

# HOUSE JOURNAL

OF THE

SEVENTH SESSION

OF THE

# Legislative Assembly

OF THE

STATE OF MONTANA.

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Convened at Helena, the Capital of said State, on the Seventh  
Day of January, A. D. 1901, and Concluded on the  
Seventh Day of March, A. D. 1901.

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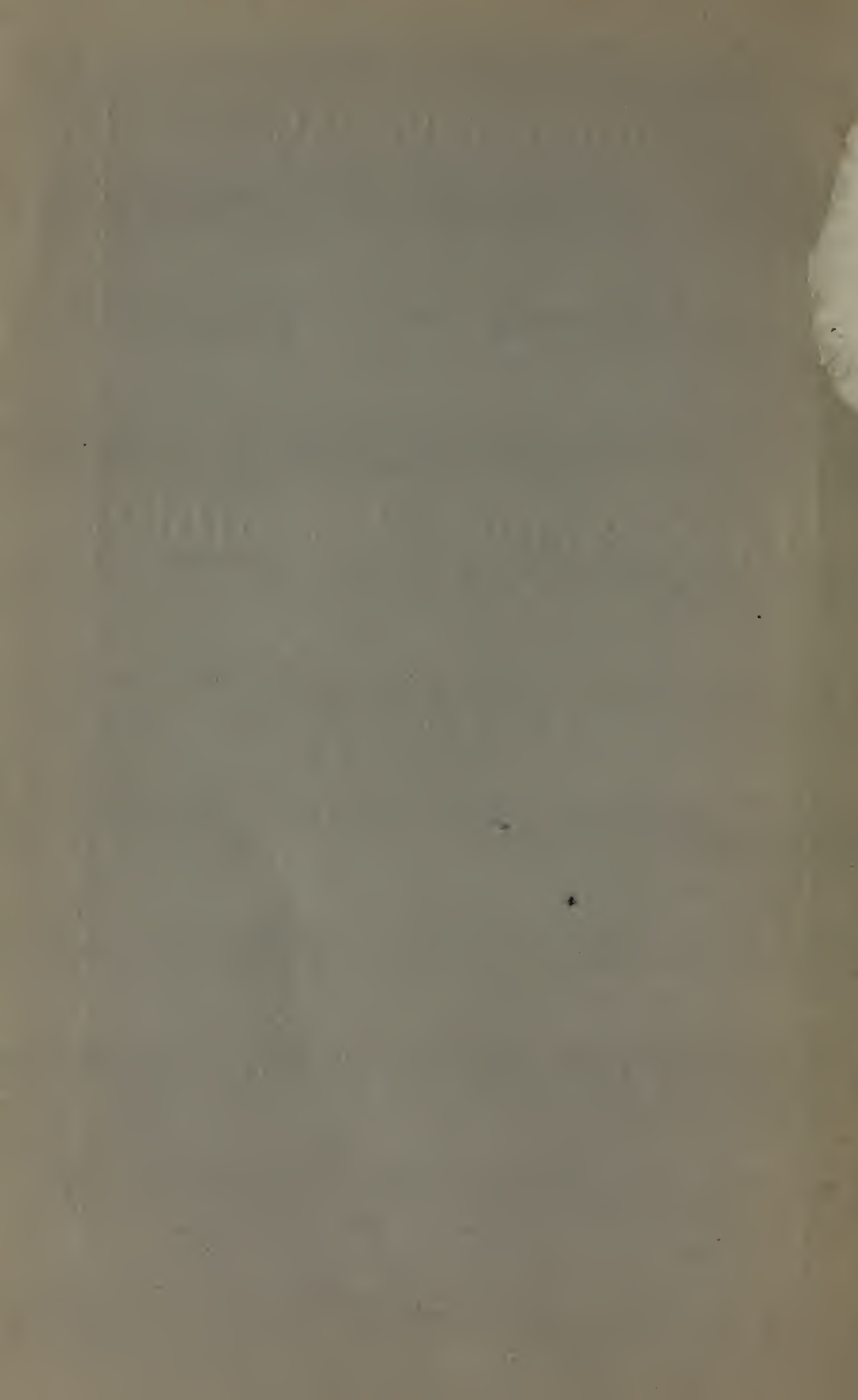
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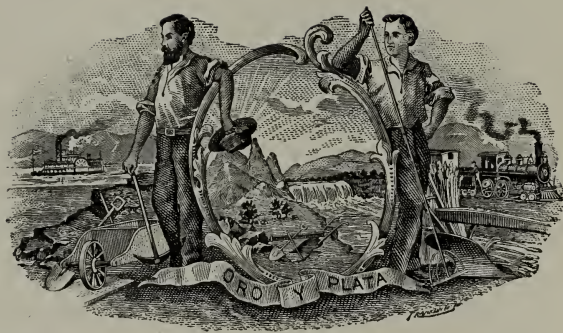
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**Members of the Seventh Legislative Assembly of the State of Montana**  
**SENATE**

Name	Politics	Connty	Postoffice Address
Anderson, E. J .....	Rep.....	Meagher .....	White Sul. Spgs. . .
Biggs, W. M .....	Dem.....	Lewis and Clarke..	Helena.....
Cullen, T. P .....	Dem.....	Dawson .....	Glendive.....
Conrow, J. M .....	Dem.....	Park.....	Livingston .....
*Courtney, T. F .....	Dem.....	Silver Bow .....	Butte .....
*Clark, W. A. ....	Dem.....	Madison .....	Virginia City .. .
*Connolly, Jerry .....	Pop.....	Granite .....	Garnet.....
*Geiger, J. H .....	Rep.....	Flathead .....	Libby.....
*Gruwell, C. O. ....	Dem.....	Yellowstone.....	Billings.....
Hoffman, C. W. ....	Dem.....	Gallatin.....	Bozeman .....
*Hobson, S. S .....	Rep.....	Fergus .....	Utica.....
Kennedy, J. M .....	Dem.....	Deer Lodge.....	Anaconda.....
Kelly, J. N.....	Rep.....	Sweet Grass.....	Hunters Hot Spgs..
McLean, Kenneth .....	Rep.....	Custer .....	Miles City.....
*Mitchell, S. L .....	Rep.....	Teton.....	Choteau.....
Meyer, W. F .....	Rep.....	Carbon .....	Red Lodge.....
*Mahon, A. W .....	Dem.....	Valley .....	Glasgow.....
*Myers, H. L .....	Dem.....	Ravalli .....	Hamilton.....
Murray, J. P .....	Dem.....	Beaverhead.....	Dillon.....
*Phillips, B. D .....	Rep.....	Choteau .....	Phillips.....
*Stanton, G. H .....	Dem.....	Cascade.....	Great Falls.....
*Tierney, W. E .....	Dem.....	Broadwater.....	Townsend .....
*Warner, D. G .....	Dem.....	Jefferson.....	Boulder.....
*Worden, Tyler .....	Rep.....	Missoula .....	Missoula .....

\*Hold over members elected in 1898.

† Deceased.

Whipple, C. A., Secretary.

# HOUSE

Name	Politics	County	Postoffice Address
* Corbett, F. E., Speaker	Dem.	Silver Bow	Butte
Adkins, E. S.	Dem.	Madison	Pony
Axtell, F. B.	Labor	Silver Bow	Butte
Baggs, G. T.	Rep.	Ravalli	Stevensville
Baker, John	Dem.	Lewis and Clarke	Helena
Becker, E. S.	Rep.	Custer	Forsyth
Berkin, John	Dem.	Jefferson	Boulder
Bielenberg, John N. W.	Rep.	Deer Lodge	Deer Lodge
Bourne, George B.	Rep.	Choteau	Hill
Brein, J. B.	Dem.	Jefferson	Basin
Brownlee Robert	Rep.	Sweet Grass	Melville
Cannon, Lloyd	Dem.	Broadwater	Winston
Connor, C. H.	Labor	Cascade	Nelhart
Connor, Aaron	Rep.	Ravalli	Darby
Cram, H. L.	Dem.	Lewis and Clarke	Helena
Crawford, W. M.	Labor	Missoula	Clinton
Dee, Martin, Jr.	Labor	Silver Bow	Butte
Dixon, J. M.	Rep.	Missoula	Missoula
Donaldson, F. H.	Dem.	Lewis and Clarke	East Helena
Donlan, Edward	Rep.	Missoula	Frenchtown
Faust, L. H.	Rep.	Flathead	Libby
Ferry, Barney	Pop.	Silver Bow	Butte
Fine, B. J.	Dem.	Madison	Virginia City
Fitzpatrick, W. G.	Dem.	Flathead	Columbia Falls
Geary, Michael	Ind. Dem.	Deer Lodge	Helmville
Gilchrist, M. P.	Dem.	Silver Bow	Butte
Godfrey, Nathan	Rep.	Meagher	Two Dot
Gregory, C. H.	Rep.	Carbon	Gebo
Hartwig, W. J.	Dem.	Lewis and Clarke	Helena
Hedges, Wyllis A.	Rep.	Fergus	Yale
Hill, Emerson	Dem.	Beaverhead	Red Rock
Jensen, S. R.	Pop.	Cascade	Great Falls
Jones, W. D.	Rep.	Teton	Dupuyer
Kilgallon, T. S.	Dem.	Silver Bow	Butte
Lanuin, Chas.	Labor	Silver Bow	Butte
Lehman, Alexander B.	Rep.	Fergus	Wilstown
Lewney, Henry	Pop.	Granite	Granite
MacGinnis, John	Dem.	Silver Bow	Butte
Madden, John M.	Ind. Dem.	Deer Lodge	Anaconda
Martin, James E.	Dem.	Gallatin	Bozeman
McCone, George	Rep.	Dawson	Tokna
McDonnell, J. E.	Ind. Dem.	Deer Lodge	Anaconda
McDonald, A. R.	Dem.	Jefferson	Whitehall
McIntyre, B. J.	Rep.	Flathead	Kalispell
McTague, Thos.	Ind. Dem.	Deer Lodge	Deer Lodge
Metlin, D. E.	Dem.	Beaverhead	Dillon
Meunier, Jos.	Dem.	Silver Bow	Butte
Murray, C. L.	Rep.	Meagher	White Sul. Spgs.
Myers, B. F.	Dem.	Park	Livingston
Newbary, C. D.	Rep.	Custer	Ekalaka
Newton, W. C.	Rep.	Gallatin	Bozeman
Patterson, J. F.	Rep.	Choteau	Fort Benton
Pelletier, F. J.	Labor	Silver Bow	Butte
Pendergrass, T. H.	Labor	Missoula	Lo Lo
Quinn, J. J.	Labor	Silver Bow	Butte
Richardson, Thos. F.	Pop.	Cascade	Great Falls
Roland, W. A.	Rep.	Gallatin	Logan
Rosman, A. B.	Dem.	Broadwater	Radersburg
Sanden, F. S.	Pop.	Lewis and Clarke	Helena
Shanley, Walter	Rep.	Valley	Glasgow
Stull, Rev. G. C.	Rep.	Yellowstone	Billings
Sullivan, Timothy	Dem.	Lewis and Clarke	Marysville
Sullivan, P. G.	Pop.	Silver Bow	Butte
Swindlehurst, T. M.	Dem.	Park	Livingston
Thoroughman, R. G.	Dem.	Cascade	Cascade
Toole, John R.	Ind. Dem.	Deer Lodge	Anaconda
Urquhart, John H.	Dem.	Lewis and Clarke	Helena
Ward, T. F.	Dem.	Granite	Garnet
White, Geo. F.	Dem.	Madison	Twin Bridges
Wood, Geo. R.	Dem.	Cascade	Great Falls

\* Deceased.

Roger E. Skelly, Chief Clerk.

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36	A bill for An Act to amend sections 1700, 1772 and 1773 of the Political Code of Montana as amended by the Sixth Legislative Assembly and to amend sections 1771, 1774, 1775, 1776, 1778, 1780, 1784, 1785 and 1786 of the Political Code of Montana as amended by the Fifth Legislative Assembly said sections having reference to the election of School Trustees and to repeal section 1781 of said Political Code as amended by the Fifth Legislative Assembly .....	185.
37	A bill for An Act to amend sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19 and to repeal sections 21 and 22 of Substitute House Bill 69, An Act to establish County Free High Schools and to provide for their maintenance, Approved March 3rd. 1899 and to renumber certain sections of said Act.....	163, 169, 214, 220, 277, 283, 304.
38	A bill for An Act to repeal subdivision 1, 2, 3 and 4 of section 513 of the Code of Civil Procedure relating to the time for the commencement of action in certain cases and to declare that the act approved March 9th. 1893 entitled An Act to amend section 42 First Division Code of Civil Procedure Compiled Statutes of Montana being section 524 of the Code of Civil Procedure to the law of this State .....	157, 196.
39	A bill for An Act prescribing the method of Assessment collection and division of taxes received from any live stock brought into the State or moved from one County to another for grazing purposes and fixing the penalty and forfeiture for violation thereunder .....	166, 181, 192, 304.

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41	A bill for An Act to amend sections 622, 624, 627 and 629 of the Political Code of Montana relating to the Board of Dental Examiners .....	131, 143, 180, 180, 186, 201.
42	A bill for An Act to provide for the regular Inspection of bonds of County and Township officials....	131, 144, 180, 186, 201.
43	A bill for An Act to amend section 604 of Chapter 1, Title 3, Part 4, Division 1 of the Civil Code of the State of Montana .....	130, 144, 180, 187, 187, 188, 245.
45	A bill for An Act providing for a Meat and Milk Inspector in Cities having 5000 inhabitants or over within the State of Montana and prescribing the duties and powers of such Inspector and to regulate the sale of Meat and Milk and live domestic animals intended for food purposes and prescribing penalties for violation of the provisions of this Act .....	205, 217, 277, 284, 304.
46	A bill for An Act to provide the conditions upon which Foreign Corporations may do business in this State and to repeal sections 1030 to 1038 inclusive, of the Civil Code of Montana .....	163, 166, 171, 182, 267, 268, 274, 281.
47	A bill for An Act to repeal An Act approved March 16th. 1895, whose provisions constitute sections 4061 of Article 2, Chapter 13, Title 10, Part 3, of the Political Code of the State of Montana relating to taxation of State Banks .....	130, 198, 256.
49	A bill for An Act to amend section 2131 Part 3, Title 4, Chapter 2 of the Code of Civil Procedure relating to mechanics liens .....	115, 151, 162.
50	An Act to amend sections 2495 and 2496 of Article 3 of Part 4 of Division 3 of the Civil Code of the State of Montana relating to storage.....	115, 145, 180, 186.
51	An Act to amend section 2834 of Article 3 of Part 4 of Division 3 of the Civil Code of the State of Montana relating to bills of lading.....	130, 145, 193, 193, 205, 220.
52	An Act to permit amended and additional declaratory statements of locators of mining claims to be filed and to validate amended and additional declaratory statements of location of mining claims heretofore filed .....	157, 267, 268, 274, 304.
53	A bill for An Act entitled An Act to extend the boundaries of Flathead County and to alter the boundaries of Missoula County to conform thereto..	205.
54	An Act defining the liabilities of Railway Companies operating in this State to their employees for injuries sustained while in the performance of their duties .....	163, 163.



No.	Title of Act.	Page.
55	A bill for An Act to create the Twelfth Judicial District of the State of Montana to be composed of the Counties of Choteau and Valley and providing for the appointment of a Judge thereof .....	115, 145, 180, 180, 186, 201.
56	An Act to prevent all persons owning or operating a Coal Mine on the bank of a stream containing fish, or water which is used for domestic purposes, or for irrigation, from depositing coal slack or other refuse from such mine in such stream and for fixing the penalty for failure to comply with the law .....	131, 144, 151, 201, 267, 268, 274, 278.
59	A bill for An Act to amend sections 1, 2, 3 and 4 of An Act of the Sixth Legislative Assembly entitled An Act to protect the owners of horses and to cause the inspection of the same .....	184, 185, 215, 283.
60	An Act to provide free tuition in Public High Schools for pupils who have completed the common School course, in districts in which no higher branches are taught .....	183, 227.
61	A bill for An Act to prevent fires from railroad engines and to provide for the recovery of damages occasioned by such fires .....	188, 228, 276, 283, 294.
62	A bill for Act to amend section 1222 of the Code of Civil Procedure of Montana relative to exemptions by adding a new subdivision thereto .....	131, 143.
64	A bill for An Act to amend section 38 of Chapter 4, Title 1 of the Code of Civil Procedure of the State of Montana relating to district courts .....	157, 217, 235.
65	A bill for An Act creating a Board of Park Commissioners as a department of the City Government in cities of the first class, defining its powers and duties, fixing the term of office of Commissioners and providing for their appointment by the Governor .....	157, 165, 168, 213, 214, 235.
67	A bill for An Act entitled An Act. to amend section 517 Chapter 5, Title 9, Part 4, of the Penal Code of the State of Montana relating to interment of human remains .....	169, 198, 267, 268, 273, 281.
71	A bill for An Act for the establishment of a uniform system of road government and administration in the counties of Montana .....	233, 233, 234, 235, 242, 265, 265, 267, 281.
72	An Act to amend An Act entitled An Act to provide for the filing of contracts, notes and instruments for the sale of personal property where title is to remain in the vendor until purchase price is paid, Approved March 3rd. 1899 .....	185, 209.

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73	A bill for An act entitled An Act providing for Farmers Institutes and making an appropriation thereto .....	185, 198.
74	A bill for An Act to prohibit gambling within the State of Montana, to provide penalties for violations of this Act and repealing An Act of the Fifth regular session of the Legislative Assembly of Montana, approved March 4th 1897 and entitled "An Act to prohibit gambling within the State of Montana and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act." .....	185, 219, 229, 265, 265, 273, 277, 279, 286.
76	A bill for An Act to amend section 1880 of Title 8, Part 4, Division 2 of the Civil Code of Montana..	188, 218, 265, 265, 267, 278.
77	A bill for An Act entitled An Act authorizing District Courts and also Supreme Court of the State to direct judgment to be entered in certain cases instead of granting a motion for a new trial.....	185, 208, 209, 283, 278.
79	A bill for An Act requiring the Board of Stock Commissioners to publish notice of moneys received by it from the sale of stray meat cattle the owners of which or their whereabouts are unknown to said Board .....	215.
80	A bill for An Act entitled An Act to amend section 3250, Chapter 13, Title 7, Part 3 of the Political Code of the State of Montana .....	185, 209, 278, 282, 292.
82	A bill for An Act relative to the powers and duties of Justice of the peace and fixing their compensation in certain Townships .....	185, 226, 227, 235, 277, 283, 304.
83	An Act to provide and regulate the form of ballots and method of voting in voting upon propositions of bonded indebtedness, submitted to the electors of Counties .....	188, 197, 283, 285, 304.
84	An Act to change the name of Deer Lodge County from that of Deer Lodge to that of Daly County...	185, 197, 267, 268, 272.
85	A bill for An Act entitled An Act to secure to employees the payment of their wages in lawful money of the United States; prohibiting the assignment of their wages to their Employers and prohibiting the payment of their wages in other ways, except as provided in this Act and prescribing a penalty for the violation thereof .....	188, 192, 240, 240, 245, 265.
86	An Act to change the name of Powell County from that of Powell County to that of Deer Lodge County .....	185, 197, 267, 268, 272, 281.

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87	An Act to amend section 180 of Title 2, Chapter 3 of the Code of Civil Procedure of the State of Montana relating to the qualification of Judges.....	185, 208, 214, 222, 223, 224, 225, 226, 227, 240, 240, 241, 243, 244, 247, 265.
89	A bill for An Act entitled An Act to create a State Fiscal Agency in the City of New York and define its duties .....	188, 245.
91	An Act to amend sections 4157, 4158, 4161 and 4165 of Chapter 2, Title 1, of Part 4 of the Political Code of the State of Montana relating to the removal of County Seats .....	205, 228, 267, 268, 272, 281.
92	A bill for An Act to prevent the slaughter and sale of Big Jawed Cattle and Cattle having any other disease and prescribing punishment therefor.....	188, 215, 277, 285, 304.
93	A bill for An Act to amend Chapter 13 Title 12 of the Penal Code of Montana relating to the Malicious destruction of property by the use of Dynamite or other explosives, by adding to said Chapter an additional section to be numbered 1035.....	188, 197.
94	An Act to prohibit and adequately punish the willful and malicious destruction of Fences .....	205, 211.
95	A bill for An Act authorizing and regulating the leasing of State Lands for mining purposes .....	188, 242.
97	A bill for An Act entitled an Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to fix the number of members thereof....	243, 278, 278, 284, 293.
98	An Act to amend section 1236 of the Code of Civil Procedure of Montana relating to the redemption of real property .....	257, 258.
99	A bill for An Act to amend section 3283 of the Political Code of the State of Montana relating to the payment of a bounty upon sugar manufactured within the State of Montana, and of beets grown within the State .....	220, 265, 265, 273, 278.
100	A bill for An Act to amend section 1151, Article 1, Chapter 1, Title 2 of the Political Code relating to Special election .....	235, 278, 284, 304.
101	A bill for An Act to amend Chapter 1, of Title 13, of Part 2 of the Code of Civil Procedure of Montana relating to appeals to the Supreme Court, by adding thereto section 1745.....	243, 258, 277, 284, 294.
103	A bill for An Act entitled An Act requiring Railway corporations to use due diligence in running	

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	local passenger accommodation and mixed trains on scheduled time in the State of Montana and providing penalties for failure to comply with the conditions of this Act.....	272.
104	A bill for An Act to make legal and valid coupon bonds of Cascade County, Montana, to the amount of \$130,000.00, of date July 1, 1891 and payable July 1st. 1901 .....	243, 256, 262.
106	A bill for An Act entitled An Act creating the office of Inspector of Coal Mines, defining his duties and providing his salary and providing penalties thereof .....	235, 241, 256, 261.
109	A bill for An Act to amend sections 3033 and 3039 of the Political Code relating to Sheep Inspectors and their duties .....	235.
111	A bill for An Act to authorize County Commissioners to purchase necessary blank books, records, lithographing and stationery for the use of County officers .....	243, 246.
114	A bill for An Act to amend section 1 of An Act entitled A n Act to amend sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana and to add to Article 2, Chapter 12, Title 10, Part 3 of the Political Code a section to be numbered 4084 regarding Licenses .....	254, 268.

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# HOUSE JOURNAL

## FIRST DAY

### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 7th, 1901.

Pursuant to law, at the hour of 12 Noon, the House of Representatives of the Seventh Legislative Assembly of the State of Montana was called to order by George M. Hays, Secretary of the State of Montana.

The roll was called and the members presented their certificates of election.

Secretary Hays introduced Associate Justice Milburn, who administered the oath of office, which was duly signed by all members present as follows:

D. E. Metlen, Emerson Hill, Lloyd Cannon, A. B. Rossman, C. H. Gregory, R. P. Thoroughman, George R. Wood, Thomas F. Richardson, Charles H. Connor, Stewart R. Jensen, John F. Patterson, George B. Bourne, E. S. Becker, C. D. Newbury, George McCone, John R. Toole, John M. Madden, James E. McDonald, Michael Geary, Thomas McTague, John N. W. Bielenberg, Wyllis Hedges, Alex Lehman, W. G. Fitzpatrick, D. J. McIntire, L. H. Faust, James E. Martin, W. A. Roland, Wesley C. Newton, Thomas F. Ward, Henry Lowney, John Berkin, Archibald R. McDonald, Joseph P. Brein, John Baker, William J. Hartwig, John H. Urquhart, Herbert L. Cram, Fred S. Sanden, Timothy D. Sullivan, Frank H. Donaldson, B. J. Fine, G. F. White, Eli Adkins, Charles L. Murray, Nathan Godfrey, William Crawford, Thomas H. Pendegrass, Joseph M. Dixon, Edward Donlan, Benjamin F. Myers, Thomas H. Swindlehurst, George T. Baggs, Aaron Connor, F. E. Corbett, John Macginnis, Thomas S. Kilgallon, M. P. Gilchrist, Joseph Meunier, Barnes Ferry, Frank J. Pelletier, F. B. Axtell, Martin Dee, J. J. Quinn, Charles Launin, P. G. Sullivan, Robert Brownlee, William D. Jones, Walter Shanley, George C. Stull.

On motion of Corbett of Silver Bow, Metlen of Beaverhead was made temporary Chairman; Frank Axtell of Silver Bow, was appointed temporary Clerk.

On motion of Hedges, it was agreed that the vote for Speaker be considered as the vote for the balance of the respective caucus nominees.

On motion of Gilchrist, of Silver Bow, the following named persons constitute the permanent offices of the House:

For Speaker, Frank E. Corbett, Speaker Pro Tem, John Baker, Chief Clerk, Roger Skelly, Assistant Chief Clerk, John Wyman, Sergeant at Arms, Dan McKay, Assistant Sergeant at Arms, Thomas Stanton, Chaplain, Rev. D. B. Price, Engrossing Clerk, Joseph Gehrett, Enrolling Clerk, Miss Nettie Kirkendall, Journal Clerk, R. J. Dee, Door-keeper, T. S. Woodford, Day Watchman, R. Pierson, Night Watchman, Thomas Thilbin, Janitor, William Skelly, Pages, Thomas Piercey, Mary Kilgallon, Eddie Waite, James Kennedy, Elmer Brown and Webb Ticknor.

McIntire, of Flathead County, moved that the following named persons constitute the permanent officers of the House:

For Speaker, W. A. Hedges, Speaker Pro Tem, Joseph, M. Dixon, Chief Clerk, T. F. Stanton, Assistant Chief Clerk, J. Ward Hughes, Enrolling Clerk, Charles B. Tabor, Engrossing Clerk, S. L. Goddard, Journal Clerk, Robert Fisher, Sergeant at Arms, J. Z. Clark, Assistant Sergeant at Arms, William H. Eastman, Door-keeper, Alexander Branson, Chaplain, Rev. Wm.

Sloane, Day Watchman, Percy Robertson, Night Watchman, Harry Sample, Pages, Edgar Tilton, Elmer L. Brown, James P. Kennedy and John Kohm.

On motion, the House proceeded to elect officers by roll call, with the following result:

Corbett, 47, Hedges, 22, McIntire, 1. Corbett was declared elected.

Prayer by Chaplain.

On motion, the Chair appointed the following Committee of three to escort Mr. Corbett to the Chair: John Maginnis, J. E. Martin and William J. Hartwig.

Moved that a vote of thanks be extended to Mr. Metlen for his kindness in presiding over the House as temporary Chairman.

Mr. Penwell, a Notary Public of Lewis and Clarke County, then administered the oath of office to the Speaker and the other officers and employees.

On motion of Hedges, of Fergus, the Speaker appointed Hedges, Maginnis, Dee, Toole, and Kilgallon a Committee to act with a like Committee from the Senate to inform the Governor that the House is now organized, and are waiting any communication that he may desire to make.

On motion of Kilgallon, Mr. Speaker appointed Meunier, Pelletier, Gregory, Fine and Thoroughman, a Committee to inform the Senate that the House is now organized and ready for business.

On motion of Hedges, the rules of the House of the Sixth Legislature were adopted until the report of the Committee of this House can be had.

On motion, the House then adjourned to meet Thursday, Jan. 8, at 12 noon.

FRANK E. CORBETT, Speaker.

ROGER E. SKELLY, Chief Clerk.

## SECOND DAY

House of Representatives,

Helena, Montana, Jan. 8, 1901.

House met pursuant to adjournment at twelve M.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The minutes of the first day were read.

A motion by Hedges that the minutes as read, with the corrections as suggested, be adopted and spread on the records.

Documents of contesting delegation, presented by Secretary of State Hays. Motion of Kilgallon that the documents be received and placed on file until to-morrow, January 9th, 1901.

Representatives, A. McDonald, Martin Dee, and Joseph Brien presented their credentials, and Mr. Speaker administered the oath of office.

Report of Special Committees.

Chairman Hedges, of the Committee appointed to wait on his Excellency, the Governor, reported as follows:

House, Twelve o'clock Noon, January 8th, 1901.

Mr. Speaker:—Your Committee appointed to notify his Excellency, the Governor of Montana, of the organization of the House, beg leave to report that we made the official notification to his Excellency, Joseph K. Toole, at the Executive Office, at three o'clock yesterday afternoon, and that we arranged with him and the Senate Committee that his Excellency would meet both Houses in joint Session for the reception of his message in the Auditorium at 2:30 o'clock this afternoon. HEDGES, Chairman.

Motion by Baggs that the above report be adopted and the Committee be discharged.

Report of Special Committee.

Chairman, Meunier, of the Committee appointed to wait upon the Senate asked for further time.

Motion by Lannin that the Committee appointed to wait upon the Senate be allowed further time.

Resolution by Kilgallon that the House of Representatives invite the Senate to meet the House in the Auditorium in joint session at 2:30 P. M. this day, for the purpose of receiving the Governor's message.

Motion by Dee that the existing standing committee be instructed to convey the information to the Senate.

Motion by Baggs to take a recess until 2 o'clock P. M.

Communication from the Rocky Mountain Bell Telephone Company extending courtesy of free telephone service.

HELENA, MONTANA, JANUARY 3rd, 1901.

To the Honorable, the Speaker and House of Representatives, of Montana.

Gentlemen:—The Rocky Mountain Bell Telephone Company desires to extend the usual courtesy of a telephone for use of your Honorable body during the Session, and also free use of its toll lines to your members, when called for from the House telephone, or from any one of our Public Stations.

If acceptable will you kindly instruct the Sergeant-at-Arms to select a location for the instrument, and furnish this Company with a list of persons entitled to use of lines under this privilege.

Very respectfully, H. SOMMERS, Superintendent.

Motion by Hedges that we accept the courtesy extended by the Rocky Mountain Bell Telephone Company, and that the Sergeant-at-Arms be instructed by the Speaker to have a telephone placed in a suitable and convenient position for the use of the members.

Communication from Secretary of State, Hays.

Helena, Jany, 8, 1901.

To Speaker House of Representatives—I herewith transmit to you a certain bundle of papers purporting to contain contest cases for seats in House of Representatives.

This is presented in accordance with Sec. 238 Political Code.

Very Respectfully GEO. M. HAYS, Secy of State.

Moved by Hedges that the communication from Secretary of State, Hays, be laid over until to-morrow, January 9th, 1901.

Amendment.

Moved by Gilchrist that the Speaker appoint a committee to open the bundle of papers presented by Secretary of State, Hays, and ascertain the contents of said bundle of papers.

Amendment lost.

Original motion carried.

Committee from the Senate notified this Honorable Body that they are organized and ready for business.

Motion by Maginnis that this Honorable Body adjourn to the Auditorium and receive the Governor's message, and that the House thereafter stand adjourned until two P. M. to-morrow, January 9th, 1901.

Joint Session.

The hour of 2:30 having arrived and the members being present Mr. Speaker called the house to order. The Speaker resigned the gavel and the Senate and House resolved themselves into joint session with Lieutenant and Governor F. Higgins in the chair.

The rolls of the Senate and the House being called, a quorum of the respective bodies was found to be present.

His Excellency, the Governor was escorted to the chair by Lieutenant Governor F. Higgins.

His Excellency the Governor then proceeded to read his message at the conclusion of the reading on motion of Hoffman the joint session dissolved, and as per previous motion the House stood adjourned until 2 P. M. tomorrow Jan. 9th 1901.

FRANK E. CORBETT, Speaker.

ROGER E. SKELLY, Chief Clerk.



## THIRD DAY

House of Representatives.

Helena, Mont. Jan. 9, 1901.

The House met at 2 P. M. today pursuant to adjournment.

Mr. Speaker in the chair.

Roll Call.

Quorum Present.

Prayer by Chaplain.

Representative Jno. M. Madden presented his credentials and Mr. Speaker administered the oath of office.

The minutes of the second day were read and on motion of Hartwig they were adopted as read.

Communications.

Helena, Jany 9th, 1901.

Mr. Speaker, House of Representatives Seventh Legislative Assembly:

Dear Sir: I have the honor to herewith transmit to you papers in the contest as follows:

Contest of T. F. Pollard vs C. H. Gregory of Carbon County.

According to law these papers are transmitted to you unopened and as originally received by me.

These papers were received by me at 1:30 P. M. to-day.

Very Respectfully, GEO. M. HAYS, Secretary of State.

On motion of Fitzpatrick that the papers be opened and ascertain as to their contents.

Motion lost.

On motion of Baker that the communication from Secretary of State Hays be placed on file and placed in the hands of the Committee to be appointed by the Speaker.

Motion carried.

On motion of McGinnis that a Committee on rules for the government of the House be appointed by the chair.

Motion Carried.

Speaker appoints: McGinnis of Silver Bow, Hedges of Fergus, Ben Fine of Madison, Richardson of Cascade, Sanden of Lewis and Clarke.

On motion of McGinnis that the Speaker appoint a committee of three on mileage.

Motion carried.

Mr. Speaker appoints: Killgallon of Silver Bow, Jensen of Cascade, Metlin of Beaverhead.

On motion of McGinnis that a keeper of the cloak room be appointed by the house.

Motion carried.

Mr. Speaker declares the House open for nominations.

The following persons were nominated.

Fred Bell of Madison Co., Jno. Sullivan of Deer Lodge Co., Wm. H. Eastman of Ravalli Co.

Mr. Speaker declares the nominations closed.

Upon the Roll being called Bell receives 26 votes, Sullivan 27 and Eastman 17.

Mr. Speaker suggested if there were no objections the low nominee would be dropped.

There being none Mr. Speaker instructed the House to vote for Bell and Sullivan.

The Roll being called Bell received 26 votes and Sullivan 33.

Mr. Speaker declares Sullivan elected.

The following motion was introduced.

Moved that the House elect a reading Clerk, who shall be subordinate to and act under the direction of the Chief Clerk and whose duty it shall be to read all notices, bills and communications that may be presented to the House for consideration, and that P. J. Gilligan of Silver Bow County be elected as such clerk.

M. P. GILCHRIST.



Amendment by McGinnis that the word Clerk be stricken out and that the house proceed to make nominations for said office.

Amendment carried.

The following nominations were then made.

P. J. Gilligan, Conley Heaton, H. A. VanHorne.

Faust moved that after first ballot is taken the low man drop off.

Motion carried.

Roll being called Gilligan receives 45 votes, Heaton receives 6 and Van Horne receives 15 votes.

(Mr. Speaker declares Gilligan elected.)

Ward moved that the journal clerk be empowered to hire an assistant.

Amended by Kilgallon that the House nominate and elect said clerk.

Amendment carried.

Mr Speaker declares the House open for nominations.

The following nominations were made

McMoran of Flathead, F. Longstaff of Missoula, W. W. Hillis of Granite.

Thos. Sanders of Beaverhead.

Mr. Speaker declares nominations closed.

Mr. Speaker calls for Roll Call.

On motion of Hartwig that after the first vote is cast the two lowest nominees drop off.

Motion carried.

McMoran received 16 votes, Longstaff received 37 votes, Hillis received 5 votes Sanders received 6 votes.

The Speaker declared Longstaff elected assistant Journal Clerk.

On motion of McGinnis that the Speaker be empowered to fix their compensation.

Amendment that a committee of 3 be appointed by the Speaker to fix the compensation.

Amendment Lost.

Original motion Carried.

Communications.

Helena, Montana, Jan. 9, 1901.

Hon. Frank E. Corbett, Speaker of the House of Representatives.

Dear Sir: The Trustees of the Helena Public Library wish to extend to the members of the State Legislature a cordial invitation to make use of all the privileges of the public library during the session of the seventh Legislative Assembly.

Very Respectfully,

MARY C. GARDNER, Acting Librarian.

Helena, Jan. 9th, 1901.

To the Speaker of the House of Representatives:

Will you please extend an invitation to the members of the Legislature to visit the Historical Library during the session and make free use of the books and papers it contains. The librarian desires to unite her voice with that of the trustees in this cordial invitation. Respectfully,

LAURA E. HOWEY, Secretary and Librarian.

Mr. Speaker ordered Communications placed on file.

Notices of Introduction.

Notices of introduction of bills were given as follows.

By Quinn. A bill for an act for the protection of the health of men employed in underground mines and in Smelters, Stamp-mills, Sampling works, Concentrators, or any works where ores are mined, or reduced; by regulating their hours of employment and providing penalties for the violation thereof.

By Kilgallon: A Bill entitled An Act to provide for an additional Judge for the Second Judicial District, of the State of Montana.

Also A Bill for an Act entitled an act for the protection of the health of men employed in underground Mines, Mills, and Smelters.

By Jensen: A Bill for an act to authorize the trustees of School Districts to repay monies borrowed and used, by such trustees for maintenance of Schools thereof, and to levy and collect a tax upon all the taxable property in such districts, or to issue and sell the bonds of such districts therefor, as such trustees shall deem advisable.

By Gilchrist: (A Bill entitled) an act to define who are fellow servants and who are not fellow servants.

Also A Bill to Amend Sections 1354, 1357, 1358, 1359 and 1361 of Chapter 9 of Article 2 of the political Code—Entitled an act to amend Sections 1354, 1357, 1358, 1359 and 1361, of Chapter 9 of Article II of Title 2, of Part 3, of the Political Code of the State of Montana relating to Ballots and voting and providing further protection for the voter while preparing his ballot and casting the same.

By Hedges. A Bill for an act relating to apportionment of representation in the House of the Legislative Assembly.

Also A Bill for an act providing for a Milk and Meat Inspector in Cities having 5000 inhabitants or over, within the State of Montana and prescribing the duties and power of such inspector, and to regulate the sale of Meat and Milk, and live domestic animals intended for food purposes, and prescribing penalties for the violation of the provisions of this act.

Also A Bill for an act appropriating a certain amount of money to the State Veterinary Surgeon for the purpose of inoculating with certain diseases the wolves and coyotes of the stock growing Counties of the State.

By Sanden. A Bill for an Act providing for the Submission to the qualified electors of the State of Montana, an Amendment to Section (1) one and (20) twenty Article (5) five of the Constitution of Montana relating to the Legislative department.

By Bielenberg. A Bill for an Act entitled an Act to Create the County of Powell to define its boundaries, to provide for its organization and government and to alter the boundaries of Deer Lodge County to conform to the boundaries of Powell County.

By Stull. A Bill to change the boundary lines of Yellowstone County.

By Richardson. A Bill for an Act to determine the liability of Railway Corporations in this State for damages to employes and others in consequence of the negligence of agents and other employees of such corporations, and to declare void contracts effecting such liability.

On motion of Dee that a committee be appointed by Mr. Speaker to draft a bill for temporary appropriation

Amendment by McGinnis that Mr. Speaker be empowered to order the Sergeant at Arms to procure the necessary supplies.

Amendment carried.

On motion of Hedges that the Notices of introduction of Bills be placed on file.

Motion carried.

On motion of Fine that we adjourn until 10 o'clock (tomorrow) Jan 10th, 1901.

Amendment by McGinnis that before adjournment the Speaker appoint a committee to ascertain the time of the funeral of the wife of Associate Justice George R. Milburn.

Hedges seconded and added to the amendment that the Committee be empowered to draw up resolutions of condolence.

Amendment carried.

Mr. Speaker appointed as said Committee, Fine, McGinnis, Hedges.

On motion of Kilgallon the House adjourned until 10 o'clock A. M. tomorrow Jan 10th, 1901.

FRANK E. CORBETT, Speaker.  
ROGER E. SKELLY, Chief Clerk.

## FOURTH DAY

House of Representatives.

Helena, Montana, Jan. 10, 1901.

The House met at 10 A. M. pursuant to adjournment.

Roll Call.

Quorum Present.

Prayer by Chaplain.

The minutes of the third day were read and on motion of Fine approved as read.

Report of special committees.

Helena, Montana, Jan. 10th, 1901. 10 A. M.

Mr. Speaker. Your Committee to whom was referred the matter of taking official recognition of the great bereavement lately suffered by our esteemed Associate Justice Hon. Geo. R. Milburn, and to draft appropriate resolutions, beg leave to report as follows,

TO THE HONORABLE HOUSE OF REPRESENTATIVES OF THE SEVENTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.—

WHEREAS the pleasures of our recent meeting and the festivities attendant upon the inauguration of our new state officers have been suddenly interrupted and our sensibilities shocked by the announcement of the death of the wife of Hon. George R. Milburn, Associate Justice of our Supreme Court.

THEREFORE, BE IT RESOLVED by the members of this body—That we tender the bereaved husband the assurance of our heartfelt sympathys in this overwhelming affliction to him and his children in the loss of one whose christian character and many virtues have endeared her to a (wide) circle of friends privileged to witness and feel the elevating influence of her noble example and self-sacrificing devotion to others.

RESOLVED—That in further respect to the memory of the deceased and in sympathy with the bereaved, this House after the morning session do adjourn until 3 o'clock P. M. this day to allow the members to attend the funeral, which will take place at 1:30 P. M. at the First Presbyterian Church of Helena.

Respectfully submitted,

B. J. FINE.

W. A. HEDGES, Committee.

On motion of Baker the report and resolutions were adopted as read by a rising vote.

Committee on Rules reported progress and were granted further time.

Notices of Introduction.

Notice of introduction of bills were given as follows.

By Gilchrist. A bill for an act providing for an amended location of mining claims and for the filing of an amended Declaratory statement of mining claims.

By Berkin. A Bill for an act entitled an act appropriating money for the relief of the State Deaf, Dumb and Blind Asylum.

By Fitzpatrick. A bill to amend Section 2570 Article 1 Chapter 1 Part III Title VI relating to streams as public ways.

By Meunier. A bill for an act entitled an act, to amend section 2776 of the Code of Civil Procedure, relating to Compensation of Executors and Administrators.

By Dee. A bill for an act to amend Sections 1354, 1357, 1358, 1359 and 1361, of chapter 9, of article II of Title 2, of part 3, of the Political Code of the State of Montana, relating to ballots and voting, and providing further protection for the voter while preparing his ballot and casting the same.

Also A Bill for an act to amend section 1313 of Article 1 of chapter 8 of Title 2 of part 3 of the Political Code of the State of Montana, relating to candidates and questions for the elector, so as to enable labor unions, associations of persons, or deliberative bodies organized for industrial protective social or benovolent purposes, to hold conventions or primary meetings for the purpose of nominating candidates for public offices.

And prescribing the manner in which delegates to such conventions or primary meetings shall be elected under this section.

By Becker. A bill for an act to create the County of Rosebud, to define its boundaries and provide for its organization.

Introduction of Bills.

The following bills were introduced.

House Bill No. 1. By Quinn. A Bill for an act for the protection of the health of men employed in underground mines and in Smelters, Stamp-mills, Sampling works, Concentrators, or any works where ores are mined or reduced by regulating their Hours of employment and providing penalties for the Violation thereof.



House Bill No. 2 By Kilgallon. A Bill for an Act for the protection of the Health of Men employed in underground mines and in Smelters, Stamp-Mills, Sampling Works, Concentrators, or any other works where ores are mined or reduced, by regulating their hours of Employment and providing penalties for the violation thereof.

H. B. No. 3. By Stull. A Bill for an act to extend the boundaries of Yellowstone County and to alter the boundaries of Fergus County (to conform.)

H. B. No. 4 By Bielenberg. A Bill for an Act to create the County of Powell to define its boundaries to provide for its organization and government and to alter the boundaries of Deer Lodge County to conform to the boundaries of Powell County.

H. B. No. 5 By Hedges. A Bill for an Act entitled an act to amend Section 112, Chapter II, Title II, of the Political Code.

H. B. No. 6 By Hedges. A Bill for an Act entitled an Act providing for a Meat and Milk inspector in cities having 5000 inhabitants or over within the State of Montana, and prescribing the duties of such inspector.

And to regulate the Sale of milk and meat and live domestic animals intended for food purposes and prescribing penalties for the violation of the provisions of this Act.

H. B. No. 7 By Hedges. A Bill for an Act entitled an Act appropriating Certain money to the State Veterinary Surgeon to be expended in making practical experiments in the inoculation of certain contagious diseases upon the wolves and coyotes in the State of Montana.

Mr. Speaker stated that the next order of business was the reading of Bills. The reading Clerk proceeded to read a Bill introduced by Kilgallon, entitled an act for the protection of the health of men employed in underground mines and in Smelters, Stamp-mills, Sampling works, Concentrators, or any works where ores are mined or reduced, by regulating the hours of employment and providing penalties for the violation thereof.

Bill was read a first time.

On motion of Swindlehurst all further reading of bills was postponed until the Standing Committees of the House shall be appointed.

The following motion was submitted.

Mr. Speaker. I move Sir, that in respect to the sorrow so lately and severely visited upon our esteemed Associate Justice Hon. Geo. R. Milburn, and in sympathy with the resolutions already adopted by the House, that when the House adjourns, the House attend in a body the funeral of the late Mrs. Geo. R. Milburn, from the Presbyterian church at 1:30 P. M.

HEDGES.

Motion adopted.

Moved by McDonald of Deer Lodge Co. that 3000 copies of the inaugural address of his Excellency the Governor be printed. Motion Carried.

On motion of Gilchrist the House adjourned until 10 A. M. tomorrow Jan. 11, 1901.

FRANK E. CORBETT, Speaker.  
ROGER E. SKELLY, Chief Clerk.

## FIFTH DAY

House of Representatives

Helena, Mont. Jan. 11, 1901.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by Chaplain.

The minutes of the fourth day were read. The Speaker suggested that the minutes be so amended as to read that instead of the Speaker granting further time, it would read their being no objections the Committee will be granted further time.



On motion of Gilchrist the minutes be approved as suggested.

Motion carried.

Notice of introduction of Bills.

Notices of introduction of bills were given as follows.

By Lannin. A Bill for an act to secure the employee the payment of their wages in lawful money of the United States and prescribing a penalty for the violation thereof.

By Connor of Ravalli. A Bill for an Act providing that Justices of the Peace and Constables shall give bonds before entering upon the duties of their offices.

Also A Bill for an (Act) amending Sections 1331, 1334, and 1337, Article 2 Part 3 Political Code relating to Primary elections.

By Stull. A Bill for an act to protect certain employees on Street Railways.

By McIntire. A Bill for an act to repeal Sec. 2528, Chap. IV, Art. IV, Part III Title V Political Code of the State of Montana relating to Assignments of Pensions by inmates of Soldiers Home.

By Faust. A Bill for an act entitled an act to amend "an act to amend Sections 3070, of Article VIII, Chapter V, Title VII, of Part III, of the Political Code, relating to the payment of Bounties on Wild Animals."

Also, A Bill for an Act entitled an "Act providing for the Compensation of Witnesses in Justice Courts."

There being no objections the notices were placed on file.

Report of Special Committees.

Chairman Munier of the committee to wait on the Senate reported that they notified the Senate that the House was organized and ready for business.

On motion the committee's report be accepted and the committee be discharged.

Motion carried.

Committee on Rules asked for further time.

There being no objection the committee was granted the request.

The report of the committee on mileage was read, on motion of Fine the report was referred back to the committee for correction.

Motion carried.

Introduction of Bills.

The following bills were introduced.

H. B. No. 8. By Sanden. A Bill for an Act providing for Direct Legislation and Amendment to Sections (1) one and (20) twenty Article VI of the constitution of Montana.

M. B. No. 9. By Mennir. A Bill for an Act entitled An Act to Amend Section 2776 of the Code of Procedure relating to the compensation of Executors and administrators.

H. B. No. 10. By Dee. A Bill for an Act entitled an Act to amend Section 1313 of Article 1 of Chapter 8 of Title 2 of Part 3 of the Political Code of the State of Montana relating to Candidates and questions for the electors so as to enable labor unions, associations of persons, or deliberative bodies, organized for industrial, protective, social or benevolent purposes to hold conventions or primary meetings for the purpose of nominating candidates for public office and prescribing the manner in which delegates to such conventions or primary meetings shall be elected under this Section.

H. B. No. 11 By Dee. A Bill for an act entitled an act to Amend Sections 1354, 1357, 1358, 1359, and 1361, of Chapter 9 of Article II of Title 2 of part 3 of the Political Code of the State of Montana relating to ballots and voting, and providing further protection for the voter while preparing his ballot and casting the same.

H. B. No. 12. By Jensen. A Bill for an act entitled an act to authorize the trustees of School Districts to repay monies borrowed and used by such trustees for maintenance of schools therein, and to levy and collect a tax upon all of the taxable property in such districts, or to issue or sell the bonds of such districts therefor as such districts shall deem advisable.

Being no objection the Bills were placed on file.

On motion of Hedges any member who sends a bill to the Chief Clerks desk not properly endorsed, that said bill shall be laid on the Speakers

desk, and the member who presented said bill shall call for same and properly endorse it.

Motion carried.

On motion of McTague when this House adjourns that we adjourn until 2 P. M. Monday Jan. 14th, 1901.

Motion carried.

Hill moved that the Sergeant at Arms be instructed to procure and furnish the members of this House Postage Stamps necessary for use for State purposes.

Moved as an amendment by Richardson that the members of the House deliver their mail to the Sergeant at Arms and he be required to fix the stamps on same.

Amendment lost.

Original motion carried.

Reading of Bills.

Moved by Gilchrist that reading of bills be passed.

Motion carried.

### MESSAGES.

Messages from the Governor.

Executive Office Helena, Montana, January 10th, 1901.

To the Speaker of the House of Representatives, of the State of Montana:--

I have the honor to inform the House of Representatives that I have appointed Randolph Thompson to be private secretary to the Governor.

J. K. TOOLE, Governor.

Executive Office, Helena, Montana, January 10th, 1901.

To the Speaker of the House of Representatives, of the State of Montana:--

I have the honor to transmit to the House of Representatives, in accordance with the statute in such cases made and provided, claims and statement of claims in the sum of Twenty-seven thousand, six hundred and ninety-two and 52-100, (27,692.52) dollars, on account of deficiency in appropriations, as follows, to-wit:

Transportation of Prisoners, 1899 and 1900.....	\$13,323.50
Trans—Mississippi Exposition 1898.....	338.48
Refunded Taxes, 1899-1900 .....	681.84
Court Costs .....	29.50
Transporting Volunteers, 1898 .....	99.00
Orphans Home Heating Plant 1899-1900 .....	1,682.86
Orphans Home, 1900 .....	2,214.35
Requisitions 1899-1900 .....	2,071.46
University, 1900 .....	2,465.61
Printing and Supplies for State Boards and Officers, 1900 .....	2,205.12
Repairing Armory, 1900 .....	201.80
Soldiers Home, 1896 .....	33.10
Deaf and Dumb Asylum, 1900 .....	191.36
Public Printing, 1900 .....	15.00
Historical Library, 1900 .....	17.00
Board of Education, 1900 .....	199.55
Salaries State Officers and Clerks, 1900 .....	143.04
Marshal Supreme Court, 1900 .....	29.40
State Prison, 1900 .....	1,481.98
Reform School, 1900 .....	21.72
Rewards, 1900 .....	200.00

Respectfully, J. K. TOOLE, Governor.

Communications from the Senate.

Helena, Montana, Jan. 11, 1901.

Mr Speaker: I am directed by the Senate to inform your honorable body, That: Notice of introduction of bill was given as follows: by Senator Myers for Clark for a bill to amend article 18 of the Constitution of the State of Montana relating to labor.

C. A. WHITTLE, Secy.

Gilchrist moved that House now stand adjourned.

Motion carried.

The House adjourned until 2 P. M. Monday Jan, 14, 1901, in pursuance to former motion by McTague.

FRANK E. CORBETT, Speaker.  
ROGER E. SKELLY, Chief Clerk.

## EIGHTH DAY

House of Representatives

Helena Mont Jan 14 1901

House met according to adjournment at 2. P. M.

Mr. Speaker in the Chair.

Roll call.

Quorum Present.

On request of Hedges Gregory was excused from attendance at this day's session on account of illness of his children.

Prayer by Chaplain.

The minutes of the fifth day were (read) and On suggestion of Connor of Ravalli were amended to read House Bill No. 16, Part 3 instead of Part 1. There being no more objections, the minutes were approved as (read and amended.)

Mr. Speaker appointed the following standing committees.

Hall of Representatives Seventh Legislative Assembly, State of Montana,

Helena, Montana, January 14, 1901.

To the Members of the House of Representatives, Of the Seventh Legislative Assembly of the State of Montana, Assembled in the Hall of Representatives of said Assembly, on this the 14th day Of January, 1901.

The Speaker of the House of Representatives reports that he has appointed standing committees as hereinafter set forth, to be filled by the persons named under the head of each committee. That the person named first in each list under the head of each committee is appointed chairman of said committee.

### WAYS AND MEANS.

John MacGinniss, Silver Bow.

B. J. Fine, Madison.

D. E. Metlen Beaverhead.

F. H. Donaldson, Lewis and Clarke.

T. M. Swindlehurst, Park.

E. Donlan Missoula.

J. N. W. Bielenberg Deer Lodge.

### APPROPRIATIONS.

Emerson Hill Beaverhead.

Geo. F. White, Madison.

B. F. Meyers, Park.

Wm. Crawford Missoula.

Geo. C. Stull Yellowstone.

John R. Toole Deer Lodge.

John Berkin Jefferson.

H. L. Cram Lewis and Clarke.

Martin Dee Silver Bow.

### JUDICIARY.

M. P. Gilchrist Silver Bow.

George R. Wood Cascade.

Geo. T. Baggs Ravalli.

W. A. Hedges Fergus.

W. G. Fitzpatrick Flathead.

Thos. Swindlehurst Park.

Wm. Crawford Missoula.

John MacGinniss Silver Bow.

B. J. McIntire Flathead.

## PRIVILEGES AND ELECTIONS.

B. J. Fine, Madison.  
M. P. Gilchrist Silver Bow.  
W. G. Fitzpatrick Flathead.  
James E. Martin Gallatin.  
D. E. Metlen Beaverhead.  
Barney Ferry Silver Bow.  
J. Bielenberg Deer Lodge.

## INCORPORATIONS OTHER THAN MUNICIPAL.

James (E.) Martin Gallatin.  
John Berkin Jefferson.  
Thomas Ward Granite  
W. A. Hedges Fergus  
John R. Toole Deer Lodge.  
John MacGinnis Silver Bow.  
F. S. Sanden Lewis and Clarke

## AGRICULTURE AND STOCK.

R. P. Thoroughman Cascade.  
George R. Wood Cascade.  
W. G. Fitzpatrick, Flathead.  
James E. Martin Gallatin.  
Rob't Brownlee Sweet Grass.  
John F. Patterson Choteau.  
W. D. Jones Teton.

## MINES AND MINING.

Thomas Kilgallon Silver Bow.  
John Berkin Jefferson.  
John MacGinniss, Silver Bow.  
T. H. Pendergrass Missoula.  
Lloyd Cannon Broadwater.  
C. H. Gregory Carbon.  
John R. Toole Deer Lodge.  
J. J. Quinn Silver Bow.  
C. H. Connor Cascade.  
T. D. Sullivan Lewis and Clark.  
Martin Dee Silver Bow

## TOWNSHIPS AND COUNTIES.

J. E. Martin Gallatin.  
D. E. Metlin Beaverhead.  
T. S. Kilgallon Silver Bow.  
B. J. Fine Madison.  
W. A. Hedges Fergus.  
M. P. Gilchrist Silver Bow.  
J. Bielenberg Deer Lodge.  
A. B. Rosman Broadwater.  
G. B. Bourne Choteau.

## EDUCATION.

S. R. Jenson Cascade.  
Geo. C. Stull Yellowstone.  
J. M. Dixon Missoula.  
Wm. Shanley Valley.  
Henry Lowney Granite.  
John Baker Lewis and Clarke.  
E. S. Adkins Madison.



## MILITARY AFFAIRS.

B. J. McIntire Flathead.  
J. J. Meunier Silver Bow.  
J. H. Urquhart, Lewis and Clarke.  
Chas. Lannin Silver Bow.  
J. B. Brien Jefferson.  
G. B. Bourne Choteau.  
P. G. Sullivan Silver Bow.

## FEDERAL RELATIONS.

J. J. Meunier Silver Bow.  
C. H. Connor Cascade.  
Geo. McCone Dawson.  
T. D. Sullivan Lewis and Clarke.  
John F. Patterson Choteau.  
A. C. McDonald Jefferson.  
Michael Geary Deer Lodge.

## INTERNAL IMPROVEMENTS.

T. F. Richardson Cascade.  
W. J. Hartwig Lewis and Clarke.  
W. C. Newton Gallatin.  
A. Connor Ravalli.  
Geo. H. White Madison.  
C. L. Murray Meagher.  
F. S. Sanden Lewis and Clarke.

## IMPROVEMENTS AND MANUFACTURING.

T. McTague Deer Lodge.  
Rob't Brownlee Sweet Grass.  
T. D. Sullivan Lewis and Clarke.  
F. J. Pelletier Silver Bow.  
J. H. Urquhart Lewis and Clarke.

## STATE LANDS.

Geo. R. Wood Cascade.  
Wm. Crawford Missoula.  
J. J. Quinn Silver Bow.  
Geo. T. Baggs Ravalli.  
L. H. Faust Flathead.  
J. E. McDonnell Deer Lodge.  
W. D. Jones Teton.

## IRRIGATION AND WATER RIGHTS.

D. E. Metlen Beaverhead.  
J. H. Urquhart Lewis and Clarke.  
J. M. Dixon Missoula.  
E. S. Adkins Madison.  
J. M. Madden Deer Lodge.  
A. Connor Ravalli.  
F. B. Axtell Silver Bow.

## STATE BOARDS AND OFFICERS.

F. S. Sanden Lewis and Clarke.  
Martin Dee Silver Bow.  
Geo. H. White Madison.  
Thos. Ward Granite.  
Geo. McCone Dawson.  
J. M. Madden Deer Lodge.  
Nathan Godfrey Meagher.

## LABOR.

H. D. Lowney Granite.  
 Thos. McTague Deer Lodge.  
 C. H. Gregory Carbon.  
 Charles Lannin Silver Bow.  
 J. B. Brien Jefferson.  
 T. H. Pendergrass Missoula.  
 C. H. Connor Cascade.  
 T. M. Swindlehurst Park.  
 P. G. Sullivan Silver Bow.

## APPORTIONMENT AND REPRESENTATION.

Thomas Ward Granite.  
 W. G. Fitzpatrick Flathead.  
 A. B. Rosman Broadwater.  
 John Baker Lewis and Ciarke.  
 B. F. Myers Park.  
 Michael Geary Deer Lodge.  
 A. B. Lehman Fergus.

## RAILROADS AND TRANSPORTATION.

John Berkin Jefferson.  
 Geo. R. Wood Cascade.  
 Martin Dee Silver Bow.  
 John R. Toole Deer Lodge.  
 Nathan Godfrey Meagher.  
 A. B. Rosman Broadwater.  
 W. A. Roland Gallatin.  
 Emerson Hill Beaverhead.  
 T. F. Richardson Cascade.

## STATE INSTITUTIONS.

H. L. Cram Lewis and Clark.  
 John N. W. Bielenberg Deer Lodge.  
 Emerson Hill Beaverhead.  
 J. B. Brien Jefferson.  
 W. G. Fitzpatrick Flathead.  
 Geo. F. White Madison.  
 C. D. Newbary Custer.  
 Wm. Crawford Missoula.  
 W. C. Newton Gallatin.  
 T. S. Kilgallan Silver Bow.  
 T. F. Richardson Cascade.

## FISH AND GAME.

A. R. McDonald Jefferson.  
 T. F. Richardson Cascade.  
 T. McTague Deer Lodge.  
 C. H. Gregory Carbon.  
 Lloyd Cannon Broadwater.  
 E. S. Adkins Madison.  
 F. J. Pelletier Silver Bow.

## AFFAIRS OF CITIES.

Charles Lannin Silver Bow.  
 Barney Ferry Silver Bow.  
 W. J. Hartwig Lewis and Clarke.  
 J. M. Madden Deer Lodge.  
 Edward Donlan Missoula.  
 W. C. Newton Gallatin.  
 S. R. Jensen Cascade.

## IMMIGRATION.

S. R. Jensen Cascade.  
 Walter Shanley Valley.  
 C. L. Murray Meagher.  
 Lloyd Cannon Broadwater.  
 T. D. Sullivan Lewis and Clarke.  
 W. D. Jones Teton.  
 J. J. Quinn Silver Bow.

## PRINTING.

G. F. White Madison.  
 F. B. Axtell Silver Bow.  
 L. H. Faust Flathead.  
 E. S. Becker Custer.  
 A. C. McDonald Jefferson.

## ENGROSSMENT.

B. F. Meyers Park.  
 W. A. Roland Gallatin.  
 F. J. Pelletier Silver Bow.  
 T. H. Pendergrass Missoula.  
 Geo. F. Patterson Choteau.

## ENROLLMENT.

John MacGinniss Silver Bow.  
 F. H. Donaldson Lewis and Clarke.  
 Barney Ferry Silver Bow.  
 R. P. Thoroughman Cascade.  
 Rob't Brownlee Sweet Grass.  
 A. B. Lehman Fergus.  
 T. H. Swindlehurst Park.

## LIBRARIES.

F. B. Axtell Silver Bow.  
 Lloyd Cannon Broadwater.  
 L. H. Faust Flathead.  
 J. E. McDonnell Deer Lodge.  
 E. Donlan Missoula.

## INSURANCE.

T. M. Swindlehurst Park.  
 R. P. Thoroughman Cascade.  
 J. M. Dixon Missoula.  
 E. S. Becker Custer.  
 T. S. Kilgallon Silver Bow.

## HIGHWAYS.

A. B. Rosman Broadwater.  
 H. L. Cram Lewis and Clarke.  
 C. D. Newbary Custer.  
 J. E. McDonnell Deer Lodge.  
 Nathan Godfrey Meagher.  
 B. F. Myers Park.  
 Geo. C. Stull Yellowstone.  
 All of which is respectfully submitted.

FRANK E. CORBETT,

Speaker of the House of Representatives of the Seventh  
 Legislative Assembly of the State of Montana.

Helena, Montana, January 14, A. D. 1901.

Moved by Gilchrist that the report of standing committees announced  
 by the Speaker be adopted by this House.

Motion Carried.

Moved by Gilchrist that the report be given to the Printing Committee.  
 Motion Carried.

## NOTICES OF INTRODUCTION.

Notices of introduction were given as follows.

By Dixon. A bill for an act entitled an act to change the boundaries of Missoula County and alter the boundaries of Granite County to conform thereto.

There being no objection the Notice was placed on file.

Communication from the Governor.

Executive Office, Helena, Montana January 14th., 1901.

To the Speaker of the House of Representatives, Of the Seventh Legislative Assembly of Montana:

I have the honor to submit herewith to the House of Representatives, statements of claims disapproved by the State Board of Examiners, which shows

- (A) The name of the Claimant;
- (B) The nature of the claim;
- (C) The amount of the claim; and
- (D) The reason why same was disapproved.

Respectfully, JOS. K. TOOLE, Governor.

Helena, Montana, Dec. 31st, 1900

To the House of Representatives of the Seventh Legislative Assembly of Montana.

Gentlemen:—We have the honor to submit herewith, statement of claims disapproved by the State Board of Examiners, which shows

- (A) The name of the Claimant;
- (B) The nature of the claim;
- (C) The amount of the claim; and
- (D) The reason why the same was disapproved.

Respectfully,

ROBT. B. SMITH,

C. B. NOLAN

T. S. HOGAN

Members State Board of Examiners.



## CLAIMS DISAPPROVED BY THE STATE BOARD OF EXAMINERS, 1899-1900.

Claimant	Nature of Claim	Amount	Why Disapproved
Union Bank & Trust Company.....	Bounty certificate issued to Wm. Myers in Sweet Grass county for 114 coyotes and 3 wolves...	\$ 351 00	Claim is fraudulent, Wm. Myer being the same person as Wm. Howard.
Commercial National Bank of Bozeman...	Bounty certificate issued to Wm. Howard in Gallatin county for 79 coyotes and 7 wolves...	258 00	Claim is fraudulent, Wm. Howard having pleaded guilty of perjury to obtain the certificates and get the bounty.
Miner Pub. Co.....	Pardon notice of John Johnson and James Jenkins.....	15 00	Claim had been previously paid.
Independent Pub. Co....	Balance for publishing Treasurer's Quarterly Report, Mar., 1900.....	596 50	This bill has been considered and the item represents the amount disallowed.
Independent Pub. Co....	300 Supreme Court calendars....	140 00	Bill previously considered by Board.
Albert Newman.....	Destroying 17 diseased horses belonging to T. C. Burns.....	85 00	Recommended by Veterinarian; afterwards allowed.
William H. DeWitt....	Fee of the Clerk of the Supreme Court for filing two certiorari returns in the case of the State at the relation of Geo. Gemmel vs. The Second Judicial District Court.....	10 00	The cases being civil cases the claim is not a proper charge against the State.
William H. DeWitt....	Fee of the Clerk of the Supreme Court for filing certiorari return in the case of the State at the relation of Ben Baker vs. The Second Judicial District Court.....	5 00	
Independent Pub. Co....	Balance for publishing Treasurer's Quarterly Reports for March and June, 1900.....	985 50	This bill has been considered by the Board and these charges represent amounts disallowed.
S. Fred Cale.....	Bounty certificate issued to W. B. Settles in Custer county for 139 coyotes, 69 wolf pups and 48 wolves.....	656 00	Claim is fraudulent, W. B. Settles being the same person as W. B. Werd.
F. E. Cornish.....	Subscription to Boulder Age for Deaf and Dumb Asylum from Nov. 1, 1895, to Feb. 28, 1900....	8 70	Disapproved by Board of Trustees of Deaf and Dumb Asylum.
Independent Pub. Co....	Balance for publishing Treasurer's Quarterly Report, Mar. 1900.....	596 50	Disapproved three times before.
Independent Pub. Co....	Publishing Treasurer's Quarterly Report for June, 1900....	389 00	Previously considered and allowed in the sum of \$200.00.
Independent Pub. Co....	Publishing Treasurer's Quarterly Report for Sept., 1900....	600 00	Previously considered and allowed in sum of \$250.00.
W. K. Semple.....	Services as Fruit Inspector.....	450 00	Law provides that a sum not in excess of \$300.00 shall be allowed to one Inspector for one year, and amount has been drawn.
Merchants Bank of Glendive.....	Bounty certificate issued to W. B. Werd in Dawson county for 11 coyotes and 14 wolves.....	92 00	Claim is fraudulent. W. B. Werd pleaded guilty of perjury to obtain the certificate and get the bounty.

There being no objection the communication was paced on file.  
Report of standing committees.

Helena, Montana, January 10th, 1901.

Mr. Speaker:—Your Committee on Rules to govern the House of the Seventh Legislative Assembly of the State of Montana, begs leave to submit the following report:

We recommend the adoption of the rules which governed the House of the Sixth Legislative Assembly, with the following Amendments, changes and additions to-wit:

## ORDER OF BUSINESS.

Page 8. Change "Third Reading of House Bills" from 9th to 5th, and "Third Reading of Senate Bills" from 10th to 6th. Change "Introduction of Bills" from 5th to 9th, and change "Motions and Resolutions" from 6th to 10th.

## DEBATE.

## RULE XII.

Page 8. In paragraph 2, third line, change the words, "one hour" to "one half hour."

Make same change in the 4th line of the 3rd paragraph.

## PRINTING OF HOUSE BILLS.

Page 16. 20th line, change words, "200 copies" to "400 copies," and Add to Rule XXXI, "All bills referred to the Printing Committee must be reported within three days, unless further time is granted by the House."

## READING OF APPROPRIATION BILLS.

Page 17. From Rule XXXVII drop the final words, "without the unanimous consent of the House."

We further recommend that, after a Committee on Joint Rules of the Senate and House has adopted joint rules, the same be incorporated under the same cover with these rules, and 500 copies be printed for the use of members; all of which is respectfully submitted for approval.

JNO. MacGINNISS.

Chairman House Committee on Rules, Seventh Legislative Assembly.

Moved by Richardson that the report of the Committee on Rules be adopted as read.

Motion Carried.

Moved by MacGinniss that a committee be appointed to act with a like committee from the Senate on joint rules.

Motion Carried.

Mr. Speaker appoints. MacGinniss, Quinn, Fine, Hedges, Toole, Committee on Mileage.

Helena, Montana, Jany. 14th, 1901.

Mr. Speaker. Your Committee on Mileage and per diem having ascertained the actual number of miles traveled by members to and returning from the seat of government and in accordance with the law governing the mileage allowed, find the several amounts due said members, as per following report, herewith submitted,

	to Helena (and return)	330 miles	.....	\$33.00
Adkins Pony	"	"	148	" ..... 14.80
Axtell Butte	"	"	346	" ..... 34.60
Baggs Stevensville	"	"	2	" ..... .20
Baker Helena	"	"	680	" ..... 68.00
Becker Forsyth	"	"	80	" ..... 8.00
Berkin Boulder	"	"	124	" ..... 12.40
Bielenberg Deer Lodge	"	"	600	" ..... 60.00
Bourne Hill	"	"	119	" ..... 11.90
Brien Basin	"	"	312	" ..... 31.20
Brownlee Melville	"	"	40	" ..... 4.00
Cannon Winston	"	"	330	" ..... 33.00
Conner Neihart	"	"	438	" ..... 43.80
Connors Darby	"	"	2	" ..... .20
Cram Helena	"	"	250	" ..... 25.00
Crawford Clinton	"	"	148	" ..... 14.80
Dee Butte	"	"	250	" ..... 25.00
Dixon Missoula	"	"	6	" ..... .60
Donaldson E. Helena	"	"	290	" ..... 29.00
Donlan Frenchtown	"	"	1152	" ..... 115.20
Faust Libby	"	"	148	" ..... 14.80
Ferry Butte	"	"	334	" ..... 33.40
Fine Virginia City	"	"	968	" ..... 96.80
Fitzpatrick Columbia Falls	"	"	218	" ..... 21.80
Geary Helmsville	"	"	148	" ..... 14.80
Gilchrist Butte	"	"	284	" ..... 28.40
Godfrey Twodot	"	"	546	" ..... 54.60
Gregory Gebo	"	"		

Hartwig Helena	"	"	2	"	.....	.20
Hedges Yale	"	"	350	"	.....	35.00
Hill Red Rock	"	"	336	"	.....	33.60
Jensen Gt. Falls	"	"	198	"	.....	19.80
Jones Dupuyer	"	"	516	"	.....	51.60
Kilgallan Butte	"	"	148	"	.....	14.80
Lannin Butte	"	"	148	"	.....	14.80
Lehman Lewistown	"	"	438	"	.....	43.80
Lowney Granite	"	"	188	"	.....	18.80
MacGinnis Butte	"	"	148	"	.....	14.80
Madden Anaconda	"	"	198	"	.....	19.80
Martin Bozeman	"	"	198	"	.....	19.80
McCone Tokna	"	"	1000	"	.....	100.00
McDonald Whitehall	"	"	218	"	.....	21.80
McDonnell Anaconda	"	"	198	"	.....	19.80
McIntire Kalispel	"	"	986	"	.....	98.60
McTague Deer Lodge	"	"	124	"	.....	12.40
Metlen Dillon	"	"	284	"	.....	28.40
Meunier Butte	"	"	148	"	.....	14.80
Murray White Sulphur	"	"	240	"	.....	24.00
Myers Shields River	"	"	270	"	.....	27.00
Newbary Eklaka	"	"	1010	"	.....	101.00
Newton Beyond Bozeman	"	"	210	"	.....	21.00
Patterson Fort Benton	"	"	322	"	.....	32.20
Pellieter Butte	"	"	148	"	.....	14.80
Pendergrass Lo Lo	"	"	284	"	.....	28.40
Quinn Butte	"	"	148	"	.....	14.80
Richardson Gt Falls	"	"	198	"	.....	19.80
Roland, Logan	"	"	188	"	.....	18.80
Rosman Radersberg	"	"	112	"	.....	11.20
Sanden Helena	"	"	2	"	.....	.20
Shanley Glasgow	"	"	742	"	.....	74.20
Stall Billings	"	"	476	"	.....	47.60
Sullivan T. D. Marysville	"	"	44	"	.....	4.40
Sullivan P. G. Butte	"	"	148	"	.....	14.80
Swindlehurst Livingston	"	"	246	"	.....	24.60
Thoroughman Cascade	"	"	180	"	.....	18.00
Toole Anaconda	"	"	198	"	.....	19.80
Urquhart Helena	"	"	2	"	.....	.20
Ward Garnet	"	"	196	"	.....	19.60
White Twin Bridges	"	"	336	"	.....	33.60
Wood Gt Falls	"	"	198	"	.....	19.80
Corbett Butte	"	"	148	"	.....	14.80

THOMAS KILGALLON, Chairman.

Moved by Gilchrist that the report of (the) committee on mileage be adopted as read.

Moved as an Amendment by Dixon that the report read so as to allow Patterson the 40 miles to which he is entitled.

Amendment Carried.

Introduction of Bills:

The following Bills were introduced;

H. B. No. 14. By Berkin; A Bill for an act entitled an Act appropriating money for the relief of the State Deaf and Dumb and Blind asylum.

H. B. No. 15. By Kilgallan; A Bill for an act entitled an Act to appropriate moneys for the payment of mileage and per diem for the members of the Seventh Legislative Assembly of the State of Montana also for the payment of per diem of the officers and attaches thereof.

H. B. No. 13. By Berkin; A Bill for an act entitled an act to repeal Section 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, of the penal Code of the



State of Montana, and to provide further protection to birds, fish, fur bearing animals and game".

H. B. No. 16, A Bill for an act to amend Sections 1331, 1334, and 1337, Article 2 Chapter 8 Title 2 Part 3 of the political code of the State of Montana, relating to primary elections.

Reading of (House) Bills.

House bill No. 13. was read a first and second time and referred to the Committee on Fish and Game;

H. B. No. 14 was read a first and second time and referred to the Committee on Appropriations.

(H. B. No. 15. Was read a first and second time and referred to the committee on Appropriation.

H. B. No. 16. Was read a first and second time and referred to Committee on Privileges and Elections.

Moved by Lannin that the House Bills on file be read.

Motion carried.

Moved by Lannin that the House Bill on file introduced by Quinn be read as House Bill No. 1.

Motion carried.

H. B. No. 1 Was read a first and second time and referred to the Committee on Mines and Mining.

H. B. No. 2 Was read a first and second time and referred to the Committee on Mines and Mining.

H. B. No. 3. Was read a first and second time and referred to the committee on Townships and Counties.

H. B. No. 4. Was read a first and second time and referred to the Committee on Townships and Counties, after the name of of H. Valiton had been stricken out on motion of Kilgallon.

Mr. Speaker asked to be Excused and called the Speaker Pro tem to the Chair.

Communications from (the) Speaker.

House of Representatives Seventh Legislative Assembly State of Montana  
Helena, Mont. Jan. 14 1901

To the House of Representatives above named—I fix the compensation of officers mentioned as follows:

Ass't Journal Clerk .....	\$5.00 per day
Reading Clerk .....	5.50 " "
Keeper of Cloak Room .....	3.50 " "

FRANK E. CORBETT Speaker.

Moved by Kilgallon that the reading Clerk receive \$6 per day.

(Moved as an) Amendment by Dee that the reading clerk receive \$6 per day Assistant Journal Clerk \$6 and the cloak room keeper \$5 per day.

Upon the Speaker putting the motion Hedges raised to a point of order that the House had no power to fix the compensation of any attaches as it was forbidden by the constitution. The Speaker ruled that the point of order was not well taken Hedges appealed from the decision of the Chair to the House.

On question being put, Shall the decision of the Chair Sustained it was lost by the following vote

Ayes—Brien, Dee, Ferry, Hartwig, Jensen, Kilgallon, Lowney, Madden, Martin, McDonnell of Deer Lodge, McDonnell of Jefferson, Meunier, Myers, Newberry, Quinn, Sullivan of Silver Bow, ThorOUGHMAN, Toole, Ward, White, Woods—21.

Noes—Adkins, Axtell, Baggs, Becker, Bielenberg, Brownlee, Cannon, Conner of Cascade, Conner of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Hedges, Hill, Jones, Lannin, Lehman, McCone, McIntyre, McPague, Metlen, Murray, Newton, Patterson, Pelletier, Pendergrass, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Urquhart—43.

Absent and not voting—Berkin, Baker, Bourne, Gregory, MacGinnis and Mr. Speaker—6.

Moved by Richardson that the communication from Mr. Speaker with motions and amendments be referred to the Appropriation Committee.

Motion Carried.



Moved by Hill that the communication from Mr. Speaker relating to fixing the compensation for the Reading Clerk Assistant Journal Clerk and Cloak Room keeper be referred to the Judiciary Committee.

Motion Carried.

Moved by Richardson that the printing of the standing committees be deferred until they are corrected.

Motion Carried.

Moved by Gilchrist that we adjourn until 10 A. M. Jan. 15, 1901.

Motion Carried.

FRANK E. CORBETT, Speaker.

ROGER E. SKELLY Chief Clerk.

## NINTH DAY

House of Representatives.

Helena, Mont Jan 15 1901

House met pursuant to adjournment at 10. A. M.

Speaker Pro. Tem. in the Chair.

Roll Call.

Quorum present.

On request of Hedges Gregory was excused on account of sickness of his family.

Prayer by Chaplain.

The minutes of the Eighth Day were read and approved.

### MOTIONS.

Moved by Hedges that for the better furtherance of business, and tending toward easier recognition of members, as permitting their grouping by counties that the majority and minority of this House be seated in a body, respectively, on its right or left of (the) Speaker, as may be determined by lot; the choices to be at once written, and placed in a hat by the chief Clerk, and drawn therefrom by the Speaker; and further, that in the event of a political division of its majority, these divisions may be seated in the same way. Any changes of seats to be made immediately at close of today's session.

Motion Lost.

### COMMUNICATIONS.

The following communication was read:

Helena, Montana, Jan. 10, 1901.

To the Honorable House of Representatives of the State of Montana:

The Librarian of the Law Department of the State Library takes pleasure in informing your honorable body that the books in that department will be accessible to members of the Assembly each day from 9 o'clock A. M. to 9 o'clock P. M. during the session. After 6 o'clock P. M. the door on east side of Court House will remain unlocked until 9 P. M. Library situated on third floor.

Respectfully,

LOU GUTHRIE Librarian.

### NOTICES OF INTRODUCTION OF BILLS.

NOTICES OF INTRODUCTION OF Bills were given as follows \*

By Gilchrist: A Bill for an act to create the County of Daly, to define its boundaries, to provide for its organization and government and to alter the boundaries of Deer Lodge county to conform to the boundaries of Daly County.

By Dixon: A bill for an act entitled an act to define liabilities of railway corporations relative to damages sustained by their employees.

By Lannin: A bill for an act entitled an act, To prohibit any corporation engaged in mining and manufacturing from being interested in any store, shop or scheme for the furnishing of supplies, tools, clothing, provisions, or groceries to it employes and prescribing a penalty for the violation thereof.

Also: A bill for an act entitled an act providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to section 20 Article 15 of the Constitution of the State of Montana, relative to the powers and duties of the Legislature with reference to corporations other than municipal.

By Conners of Ravalli: A bill for an act entitled an act providing for farmers institutes and making an appropriation therefor.

By Swindlehurst: A bill for an act providing for the employment of a check weighman at coal mines, prescribing his duties and providing penalty for violation thereof.

#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 15, 1901.

Mr. Speaker:—Your Committee on Joint Rules for the government of the House and Senate of the Seventh Legislative Assembly recommend the adoption of the same rules adopted by the Sixth Legislative Assembly.

JNO. MacGINNIS Chairman.

Report adopted.

#### INTRODUCTION OF BILLS.

The following bills were introduced;

H. B. No. 17. By Lannin: A Bill for an act entitled an act to secure employes the payment of their wages in lawful money of the United States, and prescribing a penalty for the violation thereof.

H. B. No. 18 By McIntire: A bill for an act entitled an act to repeal Section 2528 of the Political Code providing for the assignment of pensions by inmates of Soldiers Home.

H. B. No. 19. By Stull: A bill for an act entitled an act to compel street railway companies to protect certain of their employes from the inclemencies of the weather.

H. B. No. 20. By Faust: A bill for an act to amend an act entitled an act to amend Sections 3070, 3071, 3072, 3076, and 3079, of Article VIII Chapter V, Title VII, Part III of the Political Code relating to the payment of bounties on wild animals.

#### READING OF (HOUSE) BILLS.

House Bill No. 5. was read a 1st time, and objected to by MacGinnis.

Upon the Speaker putting the question to the house Shall the bill be read a second time roll call was demanded which resulted as follows.

Ayes—Adkins Axtell, Berkin, Bielenberg, Bourne, Brien, Crawford, Ferry, Fine, Godfrey, Hill Lannin, McDonnell of Jefferson, McTague, Metlen, Murray, Myers, Newton, Patterson, Roland, Sullivan of Lewis & Clarke, Skindlehurst Toole—23.

Noes—Baggs, Baker, Becker, Brownlee, Cannon, Conner of Cascade, Conner of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Fitzpatrick, Gilchrist, Hartwig, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, MacGinniss, Maden, Martin, McCone, McDonnell of Deer Lodge, McIntyre, Meunier, Newbary, Pelletier, Pendergrass, Quinn, Rosman, Sanden, Shanley, Stull, Sullivan of Silver Bow, Thoroughman, Urquhart, Ward, Wood—41.

Absent and not voting—Dixon, Geary, Gregory, Richardson, White, Mr. Speaker—6.

And House Bill No. 5 was rejected.

H. B. No. 6 was read a 1st and 2nd time and referred to Committee on Internal Improvements.

Mr. Speaker takes the Chair.

H. B. No. 4. was read a 1st and 2nd time, and referred to Committee on Agriculture and Stock.

House Bill No. 8 was read a 1st and second time and referred to the Judiciary Committee.

H. B. No. 9 was read a 1st and 2nd time and referred to the Judiciary Committee.

H. B. No. 10 was read a 1st and second time and referred to Committee on Privileges and elections.

House Bill No 11 was read a 1st and 2nd time and referred to committee on Privileges and Elections.

## COMMUNICATIONS FROM THE SENATE.

Helena, Montana, Jan 15 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of the following bills were received.

By Biggs: A bill providing for the inspection of illuminating oils.

By Mahon: A bill for an act to amend Article 5, Chapter 3, Title 2, Part 4 of the Political Code of Montana, by adding thereto Section 4444 in reference to the appointment, number and compensation of deputy clerks of District Courts.

By Kennedy: A bill for an act to regulate the compensation of Justices of the Peace in certain townships.

By Kennedy: A bill for an act to compel street railway companies to protect certain of their employees from the inclemency of the weather.

Respy

C. A. WHIPPLE Secy

Helena, Montana, Jan 15 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following Senate bills were introduced.

Senate Bill No. 6. By Hoffman. A Bill for an Act regulating the Manufacture and sale of drugs and food products.

Senate Bill No. 7. By Geiger. An Act to amend Section 3611 of the Political Code of the State of Montana, relating to the location of mining claims and the fixing of the boundaries thereof.

Senate Bill No. 8. By Mahon. An Act to provide protection against fire upon the public domain; for the appointment of fire-wardens; defining their authority and duties and providing for their remuneration and expense.

Senate Bill No. 9. By Clark. A Bill for an act to amend Section 2 of article 3, and Section 1 of article 5 of an act entitled an act to incorporate the City of Virginia, approved December 30th, 1864.

Senate Bill No. 10. By Mitchell. A Bill for an act to protect the property, claims and health of bona fide settlers from trespass, depredation or injury from live stock held in herd.

Respy

C. A. WHIPPLE Secy

Helena, Montana, Jan 15 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following Senate Bills were introduced.

Senate Joint Memorial No. 1. By Mahon. Senate Joint Memorial petitioning Congress to protest against the enactments of any measure providing for the leasing of public ranges.

Yours Respy

C. A. WHIPPLE Secy

Helena, Montana, Jan 14 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following notices of bills to be introduced were given.

By Cullen. A Bill to amend section 1737-1742-1910-1756, 1775, 1797, 1830, 1903, 1770, all of the Political Code relating to public schools.

By Mahon. A Senate Joint Memorial to Congress protesting against the passage of any measure providing for the leasing of public ranges.

By Kelly. A Bill relating to the appointment of Deputy Veterinary Surgeon.

By Mahon: A Bill to provide protection against fires upon the public domain: for the appointment of fire wardens, defining their authority and duties and providing for their remuneration and expense.

By Clark. A Bill to incorporate the City of Virginia.

By Geiger. A Bill to amend section 3611 of the Political Code, relating to mining claims. Also A Bill for the General Government and management of the State Penitentiary at Deer Lodge Montana.

C. A. WHIPPLE Sec.

Helena, Montana, Jan 14 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following bills were introduced

Senate bill No. 3 By Phillips. An act to create the County of Powell to define its boundaries to provide for its organization and government, and to alter the boundaries of Deer Lodge County, to Conform to the boundaries of Powell County.



Senate Bill No. 4. By Warner. An Act to prohibit Rail Road Corporations or an association from making tunnel charges or additional charges for or on account of tunnels.

Senate Bill No. 5. By Courtney. An act to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States in the late war of the rebellion, who desire to carry on the business of peddler or Auctioneer.

C. A. WHIPPLE Secy

Moved by Metlen that the House take a recess for 15 minutes.

Motion Carried.

Balloting for United States Senator.

Mr. Speaker at this point made the following announcement to the House:

This being the last session of the Legislature before the expiration of the term of the Hon. Thos. H. Carter as Senator of the United States, and this being the second Tuesday after the meeting and organization of the Legislature and the hour of 12 o'clock having arrived. The House will now proceed to ballot for a United States Senator.

The roll was called and one member of the House, Mr. Gregory, was found to be absent.

Moved by Hedges that in casting our vote for U. S. Senators, we first vote for the short term Senator, to fill the vacancy now existing, by the resignation of Hon. W. A. Clark.

And that having done this, we proceed then to vote for the long term Senator to succeed Hon. Thos. H. Carter

Substitute motion by Kilgallon that we proceed to elect the long term Senator to succeed the Hon. Thos. H. Carter.

The Roll being Called, The Substitute motion was lost by the following vote.

Ayes—Baker, Berkin, Brownlee, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Kilgallon, Martin, McTague, Metlen, Meunier, Myers, Rosman, Sanden, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart Ward, White, Wood, Mr. Speaker—30.

Noes—Adkins, Axtell, Baggs, Becker, Bielenburg, Bourne, Brein, Connor of Cascade, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Godfrey, Hedges, Jensen, Jones, Lannin, Lehman, Lowney, MacGinnis, Madden, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Shanley, Stull, Sullivan of Silver Bow—39.

Absent and not voting—1—Gregory.

Mr. Speaker then directed that the roll be called and the members announce their choice for United States Senator for the 4 year term.

The Ballot resulted as follows.

For, Lee Mantle, Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli; Dixon, Donlan, Faust, Godfrey, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—22.

For, H. L. Frank, Adkins, Berkin, Brien, Geary, Gilchrist, Hill, Madden, McDonnell of Deer Lodge, Toole, Ward, White, Mr. Speaker—12.

For J. A. Ferguson, Axtell, Crawford, Dee, Lannin, Lowney, Pelletier, Richardson—7.

For Jos. K. Toole, Baker, Cram, Donaldson, Hartwig, MacGinnis, McTague, Sullivan of Lewis & Clarke, Thoroughman, Urquhart—9.

For Tierney—Cannon—1.

For Gibson, Conner of Cascade—1.

For Tom Hinds, Ferry, Pendergrass, Sullivan of Silver Bow—3.

For Kilgallon, Fine—1.

For Pieler, Fitzpatrick—1.

For Spriggs, Jensen, Rosman—2.

For Fine, Kilgallon—1.

For Cooper, Martin, Metlen, Myers, Swindlehurst—4.

For Jno. MacGinnis, McDonnell of Jefferson Meunier—2.

For Conley—Quinn—1.



For Calderhead, Sanden—1.

For Conrad, Wood—1.

Mr. Speaker therefore announced no election.

The Speaker announced in pursuance to former motion of Hedges, we will now proceed to the election of a long term Senator, to succeed the Hon. Thos. H. Carter.

The ballot resulted as follows.

For W. A. Clark.—Adkins, Baker, Berkin, Brein, Cannon, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, MacGinniss, Martin, McDonnell of Jefferson, McTague, Metlen, Meunier, Myers, Rossman, Sanden, Sullivan of Lewis and Clarke, Swindlehurst, Thoroughman, Urquhart, Ward, White, Wood, Mr. Speaker—34.

For Thos. H. Carter.—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—22.

For A. E. Spriggs.—Axtell, Connor of Cascade, Crawford, Lannin, Lowney, Pelletier, Pendergrass, Quinn, Richardson, Sullivan of Silver Bow—10.

For Martin Maginnis—Madden, McDonnell of Deer Lodge, Toole—3.

The Speaker thereupon announced no election.

Moved by Fine we adjourn until 3. P. M.

Amendment by Richardson we adjourn until tomorrow at 10. A. M. Jan 16, 1901.

Amendment Carried, and House adjourned.

ROGER E. SKELLY Chief Clerk

FRAINK E. CORBETT Speaker.

## TENTH DAY

House of Representatives.

Helena, Mont. Jan 16 1901

House met pursuant to adjournment at 10. A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

By request of Hedges, Gregory was excused.

Prayer by the Chaplain.

The minutes of the Ninth day were read. Mr. Speaker suggests where minutes read, "the election of the long term Senator the next order of business before the House," should read, "In pursuance to a former motion of Hedges, we will now proceed to the election of the long term Senator to succeed the Hon Thos H Carter."

The minutes were adopted as suggested.

### NOTICES OF INTRODUCTION OF BILLS.

The following notices of the introduction of Bills were given:

By Hedges: A Bill for an act entitled an act relating to reapportionment of representation in the House of the Legislative Assembly, and amending Section 112, Chapter II, Title I, Part II, of the Political Code.

By Quinn: A Bill for an act amending Section 718, Title 10, of the Penal Code, providing a penalty for violation of Chapter 20, Title 7, Part 3, of the Political Code relating to the regulation of coal mines.

By Brein: A Bill for an act entitled an act relating to the regulating the sale of Penitentiary made goods in the State of Montana.

By Pelletier: A Bill for an act entitled an act To prohibit the use of deception, misrepresentation, false advertisement and false pretensions and unlawful force in the procuring of employes to work in any department of labor in this State and fixing penalties criminal and Civil for violations thereof.

## READING OF HOUSE BILLS.

H. B. No. 12. was read a first and second time and referred to the Committee on Education.

H. B. No. 17. was read a first and second time and referred to the Committee on Labor.

H. B. No. 18. was read a first and second time and referred to the Committee on Military Affairs.

H. B. No. 19. was read a first and second time and referred to the Committee on Railroads and Transportation.

H. B. No. 20. was read a first and second time and referred to the Committee on Stockgrowing and Agriculture.

H. B. No. 21. was read a first and second time and referred to the Committee on Labor.

H. B. No. 22. was read a first and time and referred to the Committee on Labor.

H. B. No. 23 was read a first and second time and referred to the Committee on Judiciary.

H. B. No. 24. was read a first and second time and referred to the Committee on Mines and Mining.

H. B. No. 25. was read a first and second time and referred to the committee on Labor.

H. B. No. 26. Was read a first and second time and referred to the Committee on Railroads and Transportation.

H. B. No. 27. Was read a first and second time and referred to the committee on Internal Improvements.

## INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 21. By Lannin: A Bill for an act entitled an act providing for the submission to the electors of the State of Montana for their approval or rejection, and to amend Section 20 of Article XV. of the Constitution of the State of Montana relating to the powers and duties of the Legislature relating to corporations other than municipal.

H. B. No. 22 By Lannin A Bill for an act entitled an act to prohibit any corporation engaged in mining or manufacturing from being interested in any store, shop or scheme for the furnishing of supplies, tools, clothing, provisions and groceries, to its employees and prescribing a penalty for the violation thereof.

H. B. No. 23. By Kilgallon: A Bill for an act to provide for an additional Judge for the second Judicial District of the State of Montana.

H. B. No. 24. By Gilchrist: A Bill for an act providing amended location of mining claims and for the filing of amended declaration Statement of mining Claims.

H. B. No. 25. By Swindlehurst. A Bill for an act providing for the employment of a check weighman at coal mines, prescribing his duties and providing penalty for violation thereof.

H. B. No. 26. By Dixon: A Bill for an Act to define the liability of railroad corporations in relation to damages sustained by their employees.

H. B. No. 27. By Fitzpatrick: A Bill for an act entitled an act to amend section 2570 Article I, Chapter I, Title VI, Part III. of the Political Code of the State of Montana relating to Public water ways and obstructions.

Helena, Montana, January 16, 1901

## COMMUNICATIONS FROM THE SENATE.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

By Mahon: Senate Bill No. 11—An act to amend Article 5, Chapter 3, Title 2, Part 4 of the Political Code of Montana, by adding thereto Section 4444 in reference to appointment, number and compensation of deputy clerks in District Courts.

By Kelly: Senate Bill No. 12—An Act amending Section 3018 of Article

5, Chapter 5, Part 3, Title 7, of the Political Code relating to the appointment and compensation of deputy veterinary surgeons.

By Kennedy: Senate Bill No. 13—An act to compel street railway companies to protect certain of their employees from the inclemency of the weather.

Respy

C. A. WHIPPLE Secy

Helena, Montana, January 16, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body That: Notice of introduction of bills were given as follows:

By Stanton: To provide the conditions upon which foreign corporations may do business in this state and to repeal Sections 1030 to 1038 inclusively of the Civil Code of Montana.

By Murray: To amend Section 3213 of the Political Code of Montana relating to the County Poor Farms.

By Myers: To amend Section 1080 of the Code of Civil Procedure of Montana, relating to methods of procedure in the trial of civil actions.

By Myers: An act to amend Section No. 2070 of the penal Code of Montana, relating to methods of procedure in the trial of criminal actions.

Respy

C. A. WHIPPLE Secy.

Moved by Berkin, that House Bill No 2 be withdrawn from the committee on Mines & Mining & same referred to Committee on Judiciary.

Motion Carried.

Moved by Swindlehurst That the following committees when regularly organized, be authorized to employ a clerk for each committee, to-wit:

Ways and Means, Appropriations Judiciary Railroad and Transportation Printing Enrolling, Engrossing, and that the Printing committee be empowered to employ a Stenographer and typewriter (being one person) and that the Speaker of the House be authorized to appoint a clerk for his use, and that when the services of such clerk is not required by the Speaker, that the clerk be at the services of the Chief Clerk or one of the house committees and that the Printing committee be empowered to employ a proof reader.

Amendment by Kilgallon strike out The Speaker of the House be authorized to appoint a clerk for his use, and that when the services of such clerk is not required by the Speaker, that the Clerk be at the services of the Chief Clerk or one of the House committees.

Amendment Lost.

Original Motion Carried.

Moved by Gilchrist that the House take a recess until 11.45 A. M. to-day and that it convene at said time at the Auditorium Helena Montana.

Motion Carried.

Moved by Kilgallon that when we adjourn we stand adjourned until 10. A. M. tomorrow Jan. 17, 1901

Motion Carried.

Moved by Baggs we take a recess for 15 minutes

Motion Carried.

House resumed.

Speaker in the Chair.

Roll Call

The Honorable the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly.

The President of the Senate takes the Chair.

Moved by Corbett that the joint session now convened immediately adjourn to the Auditorium for the transaction of such business as may properly come before it

Motion Carried.

Joint Session Auditorium Helena Mont Jan 16 1901

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and the House respectively, were found to be present.

(That) part of the minutes of the Senate were read regarding the bal-



loting for U. S. Senator yesterday Jan 15, 1901, and that part of the minutes of the House were read regarding the balloting for U. S. Senator yesterday Jan 15, 1901

Moved by Corbett that this body proceed to elect a United States Senator to succeed Hon Thos H Carter.

Substitute motion by Myers that this body proceed to elect the short term United States Senator to succeed the Hon. W. A. Clark.

Roll Call, substitute carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade Co., Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Hedges, Jones, Lannin, Lehman, Lowney, MacGinniss, Madden, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Silver Bow—40.

Noes—Baker, Cannon, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Martin, McTague, Metlen, Myers, Rosman, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—29.

Absent—Gregory—1.

Moved by Corbett that this body assembled do now proceed to vote for the long term United States Senator

A vote of the Senate was taken on United States Senator for the short term which resulted as follows.

For Lee Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For W. G. Conrad—Biggs, Clark, Stanton, Warner—4.

For T. S. Hogan—Connolly—1.

For Walter Cooper—Conrow, Gruwell, Hoffman, Murray—4.

For H. L. Frank—Courtney, Myers—2.

For Chas. Hoffman—Cullen—1.

For F. Higgins—Kennedy—1.

For A. E. Spriggs—Tierney—1.

For J. Duer—Mahon—1.

A vote of the House was taken with the following result.

Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—22.

H. L. Frank—Berkin, Brein, Crawford, Geary, Gilchrist, Hill, Madden, Metlen, Pendergrass, Toole, White, Corbett—12.

John MacGinniss—Adkins, Axtell, Connor of Cascade, Donaldson, Fitzpatrick, Lannin, Lowney, McDonald, Meunier, Pelletier, Sullivan, Urquhart—12.

W. G. Conrad—Cram, Hartwig, Wood—3.

Walter Cooper—Myers, Martin, Swindlehurst—3.

A. E. Spriggs—Jensen, Rosman—2.

Tom Hinds—Ferry, Sullivan of Silver Bow—2.

J. K. Toole—MacGinniss, Thoroughman—2.

C. W. Hoffman—McTague—1.

Thos. Cruse—Baker—1.

F. A. Tierney—Cannon—1.

Ferguson—Dee—1.

Kilgallon—Fine—1.

Fine—Kilgallon—1.

McTague—McDonnell—1.

Connolly—Quinn—1.

Duer—Richardson—1.

Hogan—Sanden—1.

Parker—Ward—1.

Absent—Gregory—1.

The President of the joint session announced the vote of the session to be as follows



Lee Mantle .....	31
H. L. Frank .....	14
Jno. MacGinniss .....	12
Walter Cooper .....	7
W. G. Conrad .....	7
A. E. Spriggs .....	3
T. R. Hinds .....	2
Jos. K. Toole .....	2
C. W. Hoffman .....	2
T. S. Hogan .....	2
C. E. Duer .....	2
F. G. Higgins .....	1
Thomas Cruse .....	1
W. E. Tierney .....	1
J. A. Ferguson .....	1
Thos. Kilgallon .....	1
B. J. Fine .....	1
Thos. McTague .....	1
Jerry Connolly .....	1
L. C. Parker .....	1

93

There being no choice, the President declared no election.

And thereupon Corbett of Silver Bow offered the following motion: To-wit. That it be the order of business of this Joint Assembly that we now proceed to ballot for Senator in the Congress of the United States for the long term, for the six year term to succeed the Hon. F. H. Carter.

Which motion was seconded by Gilchrist of Silver Bow. Which motion was put and carried by the unanimous vote of said Joint Assembly.

The Secretary called the roll of the Senate and the vote was as follows.

For W. A. Clark—Biggs, Connolly, Conrow, Courtney, Cullen, Hoffman, Gruwell, Kennedy, Mahon, Murray, Stanton, Tierney, Warner—13.

For Thos. H. Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

Martin MacGinniss—Clark—1.

Robt. B. Smith—Myers—1.

The Chief Clerk called the roll of the House and the vote was as follows

For W. A. Clark—Adkins, Axtell, Baker, Berkin, Brein, Cannon, Connor, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Lamm, Lowney, MacGinniss, Martin, McDonald, Myers, Pelletier, Pendergrass, Quinn, Rosman, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Urquhart, Ward, White, Wood, Corbett, Richardson—44.

Thos. H. Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—22.

Martin Maginnis—Madden, McDermell, Toole—3.

Absent—Gregory—1.

As a question of privilege Richardson presented the following communication as an explanation of the reason for changing his vote from J. A. Ferguson to W. A. Clark.

Mr. President When the campaign opened last fall it was my opinion that the 8 hour issue, Company store issue and the fellow servant issue were paramount. In Cascade County arguments on these issues produced the desired results. To the miners and smeltermen regardless of party affiliations the 8 hour and company store bill especially appealed. As to the Railroad men the fellow servant question caused them to rally to the standards of the fusion forces almost as one man. The election of a U. S. Senator was an understanding and not a plank in any party platform. The Labor members of this body agreed that as the Labor measures were of the most importance should receive the first consideration. The Trades and Labor Council of Silver Bow Co. at a meeting held on Saturday Jan 12th, 1901 passed resolutions substantially as above and further that they recommend-

ed deferring the election of a U. S. Senator until the measures affecting labor were enacted into law. The time has arrived when the majority of the members of this body have willed that the Senator should be elected first in order that I may record my choice of a man to succeed the Hon. Thos. H. Carter I wish to change my vote to the Hon. W. A. Clark of Silver Bow Co.

T. F. RICHARDSON Cascade Co.

The president of the joint session announces the vote of the joint sessions to be as follows.

For W. A. Clark .....	57
For T. H. Carter .....	31
M. Maginnis .....	4
For R. B. Smith .....	1
Total .....	93
Absent .....	1

The President announced to the Joint Assembly as follows:

Members of this Joint Assembly. A majority of you, comprising a majority of all the members elected to each House, having voted for Wm. A. Clark of Silver Bow Co. I now declare the result of your ballot to be the election of W. A. Clark of Silver Bow Co. as Senator in the Congress of the United States from the State of Montana for the term of six years, commencing the 4th day of March 1901 and ending 3rd day of March 1907.

The Chief Clerk of the House will notify the Executive of this State that this Joint Assembly has elected a Senator to the Congress of the United States.

Moved by Senator Kennedy that the Joint Assembly be dissolved and the Senate retire from the hall.

Motion Carried.

Moved by Richardson the House adjourn in accordance with a former motion passed by the house, until 10 A M Jan. 17th, 1901.

Motion Carried and the house adjourned.

ROGER E. SKELLY

FRANK E. CORBETT Speaker

Chief Clerk

## ELEVENTH DAY

House of Representatives.

Helena Mont. Jan 17 1901.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

Minutes of the Tenth Day were read and adopted.

### NOTICES OF INTRODUCTION OF BILLS.

Notices of introductions of bills were given as follows:

By White: A Bill for an act appropriating money for the relief and benefit of the State Orphans Home at Twin Bridges, Montana.

By Conner of Ravalli. A Bill for an act entitled an act amending Section 3134, Chapter 6, Part 3, Title 7, of the Political Code of Montana relating to Standard weights and measures.

By Baggs: A bill for an act amending Section 3690, Chapter III, Title X, Political Code of Montana relating to assessment of property.

Speaker Pro Tem (Baker) takes the chair.

Moved by Corbett that the list of standing committees as appointed by the Speaker be given to the Printing Committee and they be authorized to print 200 copies.

Motion Carried.

Mr. Speaker returns to the Chair.

Reports of Standing Committees.

The following reports were received and read.

Mr. Speaker: at a meeting of Committee on Railroads and Transportation Miss Cora Connell was elected clerk of said committee.

I therefore move that the action of said committee in electing Miss Connell be confirmed.

BERKIN Chairman

Motion Carried, and report adopted.

Helena, Montana, Jan. 16th, 1901

Mr. Speaker: Your Committee on Appropriations at a meeting held in their committee room to-day appointed Mrs. N. L. Featherly as their committee Clerk.

Respectfully

JOHN R. TOOLE

M DEE Jr

JOHN BERKIN

G. C. STULL

There being no objection the appointment is ratified by this House.

Your Committee on State Institutions held a meeting and elected Miss Fluhr as their clerk.

H. L. CRAM Chairman

There being no objection the appointment is ratified by the House.

Helena, Montana, January 15, 1901.

Mr. Speaker:—Your Committee on Printing begs leave to report that it is in need of the services of a clerk and a proof-reader, and has selected Miss Minnie S. Bowers as clerk, and Mr. John W. Pace as proof-reader.

Respectfully submitted, GEO. F. WHITE Chairman.

There being no objection the appointment is ratified by the House.

Mr. Speaker: I desire to report on behalf of the Judiciary Committee that they have selected Harry Holp as their Committee Clerk and ask that said selection be confirmed by the House and I therefore move Mr. Speaker that the selection of Harry Holp as Committee Clerk be confirmed.

M. P. GILCHRIST Chairman.

Motion Carried and report adopted.

Mr. Speaker: At a joint meeting of the Committee on Corporations other than municipal and the Committee on Townships and Counties Miss Charlotte De Borde of Helena was elected clerk of both Committees. I therefore move that action of these two committees be ratified by this House

J. E. MARTIN Chairman of both Committees

Motion Carried and report adopted.

Helena, Montana, Jan. 16th, 1901

Mr. Speaker:—Your Committee on Appropriations to whom was referred House Bill No. 15, A Bill for an Act to appropriate moneys for the payment of mileage and per diem for the members of the Seventh Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof: And herewith report same back with the recommendation that it do pass.

Respectfully

J. R. TOOLE

M DEE Jr

JOHN BERKIN

GEORGE C. STULL.

Moved by Hedges that House Bill No 15 be considered engrossed and it go to the 3rd reading.

Motion Carried.

#### INTRODUCTION OF BILLS.

The following bills were introduced

By Becker. H. B. No. 28. A Bill for an Act entitled, "An Act to create the County of Rosebud, to define its boundaries, (and) to provide for its organization.

By Connor of Ravalli H. B. No. 29. A Bill for an Act entitled an Act providing that Justices of the Peace and Constables shall give bond before entering upon the duties of their offices.

By Hedges H. B. No. 30. A Bill for an Act entitled an Act to amend Section 112, Chapter II, Title I, Part II, of the Political Code.

#### FIRST AND SECOND READING OF HOUSE BILLS.

H. B. No. 28. Was read a first and second time and referred to Committee on Townships and Counties.



H. B. No. 29, read a first and second time referred to Judiciary Committee.

H. B. No. 30 was read a first and second time and referred to committee on Apportionment and Representation.

Moved by Corbett that the rules of the House be suspended and we proceed to pass upon H. B. No 15

Motion Carried.

### THIRD READING OF HOUSE BILLS.

H. B. No. 15 was read the third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Brein, Brownlee, Canuon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallan Lannin, Lehman, Lowney, Madden, Martin, McCone, McDonnell of Jefferson, McIntyre, McFague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—61.

Absent and not voting—Bourne, Crawford, Gilchrist, Hill, McDonnell of Deer Lodge, Meunier, Pendergrass, Ward, MacGinniss—9.

Moved by Lowney that the Labor Committee be empowered to engage a Clerk.

Motion Carried.

### COMMUNICATIONS.

Communications from the Governor were as follows.

Executive Office, Helena, Montana. January 16th., 1901.

To the Speaker of the House of Representatives, State of Montana:—

I have the honor to transmit herewith to the House of Representatives, seventy (70) official copies of Census Bulletin, No. 20, showing the population of the United States by counties and states.

Respectfully,

J K TOOLE Governor.

Executive Office, Helena, Montana. January 16th., 1901.

To the Speaker of the House of Representatives of the Seventh Legislative Assembly State of Montana:—

I have the honor to submit herewith to the House of Representatives, the Biennial Report of the State Capitol Commission for the fiscal years 1899 and 1900.

Respectfully, J K TOOLE Governor.

Office of State Capitol Commission, Helena, December 1st. 1900.

To the Seventh Legislative Assembly, of the State of Montana.

Gentlemen:—Herewith will be found the Bi-Annual Report of the State Capitol Commission of this State.

Since making report to the last Legislative Assembly the work of construction on the building has been steadily progressing until now the exterior of the building is nearly completed and a considerable part of the interior work is done. At the time of the last report the contract for the whole structure had been let and the foundation was in. Now the building is approaching completion, the boiler house is entirely completed and during the coming year the completed building will be turned over to the State.

The work on the structure has been thoroughly done and the building will be one that will be highly satisfactory to the State and will be more creditable and useful, as well as architecturally beautiful, than many more costly and pretentious buildings erected in other states as capitol buildings.

We have made repeated and critical examinations of the building at all stages of its construction and can confidently say that nothing has been slighted or neglected; that the workmanship has been thorough, the materials supplied of the best and as a result Montana will have an exceedingly convenient and satisfactory capitol building, in appearance, arrangement and construction.

The expenditures from the Capitol Building Fund for the two fiscal years last past, have been as follows:



## STATE OF MONTANA

33

For the fiscal year ending November 30th. 1899.

Architects Fees.....	\$ 1400.00	
Advertising and printing .....	216.00	
Salary of Secretary .....	600.00	
Commissioners per diem & expenses .....	826.90	
Surveying .....	175.00	
Salary of Superintendent .....	1295.00	
On Contract for construction .....	65501.73	
Grading .....	1500.00	
Extra work .....	2216.25	
Incidentals .....	134.15	
Land office charges .....	1290.95	
Rent and Janitor .....	309.99	
Telegrams and postage .....	26.23	
Accrued interest on old warrants .....	4331.53	
Transfer to Interest & Sinking fund .....	2903.61	
Total .....		\$ 82727.34

For fiscal year ending November 30th. 1900

On contract for construction .....	\$125813.00	
For extra work .....	1920.56	
Grading .....	1000.00	
Electric wiring .....	2350.00	
Water connection .....	54.05	
Sewer connection .....	355.00	
Commissioners per diem & expenses .....	695.19	
Salary of Secretary .....	600.00	
Salary of Superintendent .....	2261.00	
Surveying .....	90.00	
Printing .....	100.50	
Architects fees .....	1603.15	
Incidentals .....	53.00	
Total .....		\$136895.45

Grand Total ..... \$219622.79

The original contract price for the building was.... \$289891.00

From this is to be deducted on account of modifications in contract.

on account of boilers & electric lighting plant....	\$ 5000.00	
“ “ “ “ “ wiring “ .....	1555.00	6555.00

Making net contract price ..... \$283336.00

To this is to be added for extra work and additions to contract ..... 7134.31

For electric wiring ..... 4600.00

For sewer connection ..... 355.00

For water connection ..... 54.05

Making total cost ..... \$295479.36

Of this amount there has been already paid;

For construction and extra work ..... \$209856.54

for electric wiring ..... 2350.00

for sewer connection ..... 355.00

for water connection ..... 54.05

Total ..... \$212315.59

Leaving balance due ..... 83163.67

Amt. due Montana Bldg. Co. being 10 per cent retained on each monthly estimate. .... 22363.54

Total amount due and unpaid ..... \$105627.21

Cash balance in hands of State Treasurer..... 78461.95

Amount due and unprovided for ..... \$ 27165.26

There have been charges made against the Capitol Building Fund in the settlement of accounts in the State Financial offices, which we believe were not proper charges against this fund, but should have been charged to the "Interest and Sinking Fund", such as the proportion of expenses of the Land office in connection with the Capitol Building Land Grant; also the accrued interest paid on the warrants issued by the former commission. These charges alone amount to \$6006.88. The expense for extra work already incurred in connection with the building, all of which was of absolute necessity and could not have been foreseen, amounts to \$7134.31. These two items alone make up a large part of this apparent deficit. In this may be included such items as \$3712.00, paid to the Superintendent employed by the commission to supervise the work, \$3045.00 additional (paid for) electric wiring, \$355.00 paid for sewer connection, \$54.05 and \$297.00 for water connection, surveying &c., and numerous smaller items, the total of which nearly equals the apparent deficit.

In addition to the foregoing deficiency which we have pointed out it will eventually be necessary to provide funds for the completion of the grading and beautifying of the Capitol Grounds; for the frescoing of the building and for providing suitable furniture and fixtures. The fixtures in the possession of the State would not be suitable for equipping the vaults nor would a great portion be suitable for office furniture, but we have refrained from making an estimate for the amount necessary for these purposes, leaving it to the judgment of the Legislature.

Respectfully submitted, STATE CAPITOL COMMISSION.

ROBT B. SMITH Chairman.

E. BEACH

A. D. PECK

J. M. FOX.

Attest: E. B. Kennedy Secretary.

Executive Office, Helena, Montana, January 17th., 1901.

To the Speaker of the House of Representatives, State of Montana:—

I have the honor to submit herewith to the House of Representatives, estimates of expenses for the several State offices and permanent boards for the Fiscal Years of 1901 and 1902:

#### 1901.

#### EXECUTIVE DEPARTMENT.

Salary of Governor .....	\$ 5,000.00	
Salary of Governor's Private Secretary.....	2,400.00	
Expenses of Governor's Office .....	500.00	\$ 7,900.00
Salary of Secretary of State .....	3,000.00	
Salary of Clerk, Secretary of State .....	1,800.00	
Extra Clerical Hire, Secretary of State.....	1,200.00	
Office Expenses, Secretary of State .....	600.00	
Indexing Laws, Secretary of State .....	150.00	6,750.00
Salary of State Treasurer .....	3,000.00	
Salary of Asst. State Treasurer .....	1,800.00	
Incidental Expenses, Office State Trsr .....	400.00	5,200.00
Salary Clerk State Board of Equalization .....	1,800.00	
Office Expenses State Board of Equalzn .....	400.00	2,200.00
Salary State Auditor .....	3,000.00	
Salary of Asst. State Auditor .....	1,800.00	
Salary of Clerk, State Auditor .....	1,200.00	
Office and Traveling Expenses, State Auditor.....	400.00	6,400.00
Salary of Attorney General .....	3,000.00	
Salary of Asst. Attorney General .....	2,000.00	
Salary of Law Clerk, Atty. General .....	1,800.00	
Salary of Stenographer, Atty. General.....	1,200.00	
Office and Traveling Expenses, Attorney General....	450.00	8,450.00
Salary of Clerk of Insane and Prison Commissioners Board .....	1,200.00	
Office and traveling expenses, Board of Commissioners of the Insane .....	100.00	

Office and Traveling Expenses, Board of State Prison Commissioners .....	250.00	1,550.00
Salary of Superintendent of Public Instruction.....	2,500.00	
Salary of Clerk, Superintendent of Public Instruction. Office and Traveling expenses of Superintendent Public Instruction.....	1,500.00	
Traveling Expenses of State Board of Education...	750.00	4,750.00
Salary of State Examiner .....	800.00	800.00
Salary of Asst. State Examiner .....	2,500.00	
Office and traveling expenses State Examiner.....	1,500.00	
Salary State Veterinary Surgeon .....	1,200.00	5,200.00
Expenses of Office, State Veterinary Surgeon.....	2,500.00	
Salary of Commissioner of Bureau of Agriculture, Labor and Industry .....	1,800.00	4,300.00
Salary of Clerk, Bureau of Agriculture, Labor and Industry .....	2,500.00	
For expenses of office, Bureau of Agriculture, Labor and Industry .....	1,500.00	
Salary of State Boiler Inspector .....	2,500.00	6,500.00
Salary of Assistant State Boiler Inspector.....	2,400.00	
Office and traveling expenses, State Boiler Inspector.	1,800.00	
Salary State Mine Inspector .....	3,500.00	7,700.00
Salary Deputy State Mine Inspector .....	2,400.00	
Office and traveling expenses, State Mine Inspector..	1,650.00	
Salary of Adjutant General .....	2,000.00	6,050.00
Incidental Expenses, National Guard .....	1,200.00	
Allowance for Light Battery .....	250.00	
Salary of clerk, State Board of Pardons .....	550.00	2,000.00
Office expenses, State Board of Pardons .....	1,200.00	
Salary of clerk, State Board Examiners .....	100.00	1,300.00
Office expenses, State Board Examiners.....	1,800.00	
Salary Librarian, State Law Library .....	200.00	2,000.00
Incidental expenses, State Law Library.....	1,200.00	
Books, State Law Library .....	600.00	
Salary Librarian, Historical Library .....	750.00	2,550.00
Office Expenses, Historical Library .....	1,200.00	
Card Catalog, Cabinet and binding 200 copies of same.	860.00	
Expenses of State Board Charities and Reforms....	200.00	2,260.00
Extra Supplies of State Offices .....	100.00	100.00
Engineer and Incidental Expenses, Director Experimental Station .....	1,000.00	1,000.00
Public Printing .....	1,500.00	1,500.00
Printing Montana Reports .....	7,500.00	7,500.00
Rewards offered by the Governor .....	1,800.00	1,800.00
Requisitions .....	1,000.00	1,000.00
Rental of State Offices .....	1,000.00	1,000.00
Janitor of State Offices .....	4,415.00	4,415.00
JUDICIAL DEPARTMENT.		
Salary three Justices of the Supreme Court.....\$	12,000.00	\$ 12,000.00
Salary of Clerk of Supreme Court .....	2,000.00	2,000.00
Salary of Stenographer Supreme Court .....	1,500.00	1,500.00
Compensation of Justices of the Supreme Court for services in reporting decisions of said court.....	4,500.00	4,500.00
Salary of Marshal Supreme Court .....	1,200.00	1,200.00
Salary of Attendant to Justices of Supreme Court...	939.00	939.00
Contingent expenses Clerk's Office .....	300.00	300.00
Salary Thirteen District Judges .....	45,500.00	45,500.00
Salary County Attorneys .....	19,751.30	19,751.30

Total.....\$190,865.30 \$190,865.30



1902.

## EXECUTIVE DEPARTMENT.

Salary of Governor .....	\$ 5,000.00	
Salary of Clerk to Governor .....	1,200.00	
Salary of Governor's Private Secretary .....	2,400.00	
Expenses of Governor's Office .....	500.00	\$ 9,100.00
Salary of Secretary of State .....	3,000.00	
Salary of Clerk, Secy. of State .....	1,800.00	
Extra Clerical Hire, Secy. of State .....	600.00	
Office Expenses, Secretary of State .....	400.00	5,800.00
Salary State Treasurer .....	3,000.00	
Salary Asst. State Treasurer .....	1,800.00	
Incidental Expenses, Office of State Treasurer .....	400.00	5,200.00
Salary Clerk Board Equalization .....	1,800.00	
Office Expenses Board Equalization .....	400.00	2,200.00
Salary State Auditor .....	3,000.00	
Salary Asst. State Auditor .....	1,800.00	
Salary of Clerk, State Auditor .....	1,200.00	
Office and traveling expenses, State Auditor .....	400.00	6,400.00
Salary of Attorney General .....	3,000.00	
Salary of Asst. Attorney General .....	2,000.00	
Salary Law Clerk, Attorney General .....	1,800.00	
Office and traveling expenses, Attorney General ...	450.00	
Salary Stenographer of Attorney General .....	1,200.00	8,450.00
Salary of Clerk of Board of Prison and Insane Com- missioners .....	1,200.00	
Office and traveling expenses of Board of Commis- sioners of Insane .....	100.00	
Office and traveling expenses of Board of State Prison Commissioners .....	250.00	1,550.00
Salary Superintendent Public Instruction .....	2,500.00	
Salary Clerk Supt. Public Instruction .....	1,500.00	
Office and traveling Expenses Superintendent of Pub- lic Instruction .....	750.00	4,750.00
Traveling expenses of State Board of Education ...	800.00	800.00
Salary of State Examiner .....	2,500.00	
Salary of Assistant State Examiner .....	1,500.00	
Office and traveling expenses, State Examiner .....	1,200.00	5,200.00
Salary State Veterinary Surgeon .....	2,500.00	
Expenses of Office, State Veterinary Surgeon .....	1,800.00	4,300.00
Salary of Commissioner of Bureau of Agriculture, Labor and Industry .....	2,500.00	
Salary of Clerk, Bureau of Agriculture, Labor and Industry .....	1,500.00	
For expenses of office, Bureau of Agriculture, Labor and Industry .....	2,500.00	6,500.00
Salary of State Boiler Inspector .....	2,400.00	
Salary of Asst. State Boiler Inspector .....	1,800.00	
Office and traveling expenses, State Boiler Inspector ..	3,500.00	7,700.00
Salary State Mine Inspector .....	2,400.00	
Salary Deputy State Mine Inspector .....	1,650.00	
Office and traveling expenses, State Mine Inspector ..	2,000.00	6,050.00
Salary of Adjutant General .....	1,200.00	
Incidental Expenses, National Guard .....	250.00	
Allowance for Light Battery .....	550.00	2,000.00
Salary of clerk, State Board of Pardons .....	1,200.00	
Office expenses, State Board of Pardons .....	100.00	1,300.00
Salary of clerk, State Board Examiners .....	1,800.00	
Office expenses, State Board Examiners .....	200.00	2,000.00
Salary Librarian, State Law Library .....	1,200.00	
Incidental expenses, State Law Library .....	600.00	
Books, State Law Library .....	750.00	2,550.00
Salary Librarian, Historical Library .....	1,200.00	



Office expenses, Historical Library .....	500.00	
Printing Volume No. 4 of Contributions .....	650.00	
Binding Newspapers and Pamphlets .....	500.00	2,850.00
Expenses of State Board Charities and Reforms....	100.00	100.00
Extra Supplies State Offices .....	1,000.00	1,000.00
Engineer and Incidental expenses, Director Experimental Station .....	1,500.00	1,500.00
Public Printing .....	7,500.00	7,500.00
Printing Montana Reports .....	1,800.00	1,800.00
Rewards offered by Governor .....	1,000.00	1,000.00
Requisitions .....	1,000.00	1,000.00
Janitor Capitol Building .....	1,200.00	
Janitor Capitol Building .....	900.00	
Engineer Capitol Building .....	1,500.00	
Elevator Boys Capitol Building .....	350.00	
Fireman Capitol Building .....	525.00	
Fuel Capitol Building .....	630.00	
Electric Power for Elevators, Ventilating Fans, Lights, etc., Cap. Bldg .....	1,200.00	
Water, Capitol Building .....	150.00	
Incidentals Capitol Building .....	500.00	
Care of Capitol Grounds .....	1,000.00	7,955.00
Expense of moving Furniture, Archives, etc to Capitol Building, and installing same .....	500.00	500.00

## JUDICIAL DEPARTMENT.

Salary Three Justices of Supreme Court .....	\$ 12,000.00	
Salary of Clerk of Supreme Court .....	2,000.00	
Salary of Stenographer Supreme Court .....	1,500.00	
Compensation of Justices of Supreme Court for services in reporting decisions of said court .....	4,500.00	
Salary of Marshal of Supreme Court .....	1,200.00	
Salary of Attendant to Justices of the Supreme Court .....	939.00	
Contingent expenses Clerk's office .....	300.00	
Salary thirteen District Judges .....	45,500.00	
Salary County Attorneys .....	19,751.30	87,690.30

Total .....\$194,745.30 \$194,745.30

The foregoing estimates are based generally upon the expenses of the past two years.

I have deemed it proper to ask for a clerk for the Governor's office at \$1,200.00 per annum for 1902, and an Assistant to the Attorney General at \$2,000.00 per annum.

The office expenses of the Librarian of the Historical Society have been increased \$360.00 to allow for an Assistant in 1901 to aid in moving and installing its archives and property in new Capitol, and \$200.00 for cataloguing Cabinet and binding 200 copies—the expense of publishing volume of Contributions for 1901 is omitted because of extra labor imposed on Librarian in preparing to move to State Capitol Building makes it impossible to arrange material for publication; \$500 is added to 1902 to cover binding newspapers and pamphlets.

In lieu of rent for 1902, I have estimated the expenses of running the new Capitol Building, including care of grounds, at about \$8,000.00.

Respectfully,

J K TOOLE Governor.

Moved by Corbett that the communications from the Governor be received and placed on file.

Motion Carried.

Moved by Baggs that the Sergeant at Arms be required to procure each member a copy of the laws of the 5th and 6th Legislative Assembly.

Motion Carried.

Moved by Corbett we take a recess until 12. O'Clock M.

Motion Carried.

## JOINT SESSION.

The hour of 12 o'clock (noon) having arrived the Senate and House of Representatives met in Joint Session, the President of the Senate in the Chair.

The rolls of the House and Senate were called.

Mr. President found a quorum of both bodies present.

The minutes of yesterday's joint assembly were read and approved with the following corrections:

Substitute motion by Myers should read Substitute motion by W. F. Meyer of Carbon Co. And the insertion of the following motion.

And Corbett of Silver Bow offered the following motion, to wit That it be the order of business of this joint assembly that we now proceed to ballot for Senator in the Congress of the United States for the long term, for the six year term, to succeed the Hon. Thos. H. Carter, which motion was seconded by Gilchrist of Silver Bow which motion was put and carried by a unanimous vote of said Joint Assembly.

Moved by Corbett that this Honorable body do now proceed to elect a United States Senator to fill the vacancy caused by the resignation of the Hon W. A. Clark, of Silver Bow.

Motion Carried.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Hon Wm. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The Secretary of the Senate called the roll of the Senate when the following vote was announced.

For Lee Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For John MacGinniss—Biggs, Clark, Mahon, Tierney, Warner—5.

For H. L. Frank—Courtney, Meyers—2.

For Walter Cooper—Conrow, Gruwell, Hoffman, Murray—4.

For W. G. Conrad—Kennedy, Stanton—2.

For Judge D. M. Durfee—Connolly—1.

For Charles W. Hoffman—Cullen—1.

The vote of the House was taken with the following result.

For Lee Mantle—Baggs, Becker, Bielenburg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—23.

For John MacGinniss—Adkins, Axtell, Cram, Dee, Donaldson, Fitzpatrick, Lannin, McDonald, Meunier, Pelletier, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Urquhart—14.

For H. L. Frank—Berkin, Brein, Crawford, Gearý, Gilchrist, Hill, Madden, McDonnell, Pendergrass, Toole, White, Corbett—12.

For Walter Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For W. G. Conrad—Baker, Connor of Cascade, Woods—3.

For A. E. Spriggs—Jensen, Lowney, Rosman—3.

For Thomas Kilgallan—Fine—1.

For B. J. Fine—Kilgallan—1.

For Col. Thomas Cruse—Hartwig—1.

For Joseph K. Toole—MacGinniss—1.

For Charles W. Hoffman—McTague—1.

Jerry Connolly—Quinn—1.

For Paris Gibson—Richardson—1.

For Thomas R. Hinds—Ferry—1.

For W. E. Tierney—Cannon—1.

Absent and not voting—Ward—1.

The President of the Joint session announced the vote of the Joint Session as follows

Mantle .....	32
MacGinniss .....	19
Frank .....	14
Cooper .....	9
Spriggs .....	3
Hoffman .....	2
Durfee .....	1
Kilgallan .....	1
Fine .....	1
Cruse .....	1
Toole .....	1
Hinds .....	1
Connolly .....	1
Tierney .....	1
Gibson .....	1
Conrad .....	3
Total .....	93

There being no choice, the President declared no election.

Motion by Stanton that the Joint assembly do now dissolve and the Senate retire from body of the House.

Motion Carried.

Moved by Gilchrist that the papers in all pending contests for membership in this House be referred to Joint Committee on privileges and elections.

Motion Carried.

Moved by Fine that we now adjourn until 11. o'clock tomorrow Jan 18, 1901

Amendment by Swindlehurst that we adjourn until 10 o'clock tomorrow Jan 18, 1901.

Amendment Lost.

Original motion Carried and the House adjourned until 11 o'clock tomorrow Jan 18, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## TWELFTH DAY

House of Representatives,

Helena Mont Jan 18, 1901

House met pursuant to adjournment at 11. A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by Chaplain.

The minutes of the Eleventh day were read and approved after the following correction was made. Mr. Speaker takes the chair.

Mr Speaker notified the House that he was about to sign H. B. No 15 and signed the bill.

### NOTICES.

The following notices were received.

Helena, Montana, Jany 18th 1901

Mr. Speaker:—We desire to announce the following pair on the vote for U. S. Senator, for Saturday January 19th and Monday January 21st, 1901.

W. C. NEWTON

B. F. MYERS

Helena Mont Jany 18th 1901

Mr. Speaker. We desire to announce the following arrangement of a pair on vote for U. S. Senator on ballot in Joint Assembly Friday January 18, Saturday (Jan) 19 and Monday Jan 21.

T. S. KILGALLON

WALTER SHANLEY



Helena, Montana, Jan. 19th 1901

Mr. Speaker. We desire to announce the following arrangement of a pair on vote for U. S. Senator on ballot of Saturday Jan. 19th in Joint Assembly.

M. P. GILCHRIST

AARON CONNER.

Helena, Mont. January 18th 1901

We Thoroughman and Bielenberg members of the house hereby pair our votes on all questions that may arise before the house or in Joint Session from noon Jan. 18th 1901 to Jan 22nd 1901.

JOHN BIELENBERG

R. P. THOROUGHMAN.

There being no objection the notices were placed on file.

#### NOTICES OF INTRODUCTION OF BILLS.

The notices of Introduction of bills are as follows:

By Bourne. A Bill entitled an Act to establish District Free High Schools and to provide for their maintenance.

By Wood. An Act to amend Section 2131 from the Code of Civil Procedure relating to filing Liens of Mechanics and others on Real Property.

By Hartwig. A Bill for an Act to amend Section 3926 of the Political Code of the State of Montana relating to sale of tax certificates for lands purchased by County at tax sales.

By Fine. A Bill for an Act to amend Section 1757 of the Political Code, relating to the apportionment of money to School Districts.

By Committee on Mines and Mining. A Bill entitled an Act creating the office of Deputy Inspector of Coal Mines and defining his duties, providing his compensation and creating Section 591 of the Political Code.

By McIntire. Introduce a House Joint Memorial, memorializing the Congress of the United States to grant certain relief to settlers upon the Lewis and Clarke Reserve of the State of Montana.

#### REPORT OF STANDING COMMITTEES.

Helena, Montana, January 17, 1901.

Mr. Speaker: Your committee on Judiciary desires to report in reference to the matter of Reading Clerk, Assistant Journal Clerk and Keeper of the Cloak Room, heretofore referred to them, as follows:

Upon investigation it is found, in the opinion of your committee, that no new legislation is necessary in connection therewith. Section 183, of the Political Code, after enumerating specifically certain officers and employes of the House that may be appointed, also authorizes the employment of as many Committee Clerks as the House may from time to time require. Under this Section, therefore, the persons named for the above enumerated offices can be appointed by the House as Committee Clerks, and assigned by the Speaker to the duties they are now respectively performing. Their pay is fixed by statute at \$5.00 per day.

In conformity with the foregoing report, if the same shall be adopted, your Committee will offer a motion carrying out the provisions thereof.

M. P. GILCHRIST Chairman Judiciary Committee.

Moved by Baggs that the report of the judiciary committee be adopted.  
Motion Carried.

Helena, Montana, January 17, 1901.

Mr. Speaker:—Your Committee on Printing begs leave to report that it is in need of the services of a clerk, and has selected for that position Miss Kate McDonald.

Respectfully submitted,

GEO. F. WHITE Chairman.

Moved by Baggs that the report be adopted and placed on file as ratified.  
Motion Carried.

Moved by Lowney that Miss Kolb act as clerk on Labor Committee.  
Motion Carried.

Helena, Montana, Jan'y 18 1901

Mr. Speaker Your Committee on Privileges and Elections requires a Clerk in order to expedite the business of the Committee, and I move you Sir, that the house confirm Miss Florence Holloway as such Clerk, who is the choice of the Committee.

FINE Chairman

On motion report adopted



Helena, Montana, Jan. 18, 1901.

Mr. Speaker:—Your Committee on Mines and Mining respectfully submit the following:—

Committee met pursuant to call and elected Miss Agnes O'Brien to fill the position of Clerk. Signed T. S. KILGALLAN, Chairman.

On motion of Connor the report be adopted and placed on file as ratified.

Helena, Montana, January 17th, 1901.

Mr. Speaker: We, the undersigned, chairmen of the committee on state lands, agriculture and stockgrowing and education, respectfully ask that a committee clerk be allowed to serve the three committees.

GEO R WOOD State Lands

S R JENSEN Education

R P THOROUGHMAN Agriculture and Stock

On motion of Faust the request was granted.

Helena Montana Jan'y 17, 1901

Mr. Speaker; We your committee on Engrossing beg leave to report that said Committee has met, and that we have selected Miss Lizzie Hogan as Clerk of our Committee; and recommend that she be endorsed by the House.

Respectfully submitted

B F MYERS

Moved by Pelletier that the report be adopted and the recommendation be concurred in.

Motion Carried.

Helena, Montana, Jan 18th 1901

Mr. Speaker Your Committee on Education to whom was referred House Bill No 12 A Bill for an Act entitled an act to authorize the Trustees of School Districts to repay moneys borrowed and used by such trustees for maintenance of Schools therein and to levy and collect a tax upon all of the taxable property in such district or to issue and sell the bonds of such district therefor as such Trustees shall deem advisable. Respectfully report the same back to the House and recommend its passage

S R JENSEN Chairman

Moved by Hedges that the report be adopted and the bill be referred to printing committee.

Motion Carried.

Helena, Montana, January 17, 1901.

Pursuant to call: The committee on Military affairs met in committee room at 3 o'clock, the following members present:

J. H. Urquhart. Charles Lannin. J. B. Brein. P. G. Sullivan G. C. Stull.

G. C. Stull was elected secretary.

On motion of Lannin the chair was instructed to request the house to grant committee a clerk.

On motion committee adjourned to meet at 3:30 P M. tomorrow, January, 18, 1901.

McINTIRE Chairman

There being no objection communication placed on file.

#### INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 31. Introduced by White. A Bill for An Act entitled, "An Act Appropriating money for the relief and Benefit of the State Orphans Home."

H. B. No. 32. Introduced by Baggs, by request Entitled a Bill for an Act to Amend Section 3690, Chapter III, Title X, Political Code, relating to assessment of Property.

H. B. No. 33. By Martin. An Act to provide for the investment of Funds, derived from the sale of Agriculture College lands or the timber thereon and for the disbursement for the use of the Agricultural College of funds received of said funds.

H. B. No. 34. By Pelletier. A Bill for an Act to prohibit the use of deception, misrepresentation, false advertising, and false pretensions, and unlawful force in the procuring of employes to work in any department of labor in this State, and fixing penalties, criminal and civil for violation thereof.

H. B. No. 35. By Quinn. A Bill for an Act entitled an Act amending Section 718, Title 10, of the Penal Code providing a penalty for violation of

Chapter 20, Title 7, Part 3, of the Political Code relating to the regulation of Coal Mines.

Moved by Martin that he be allowed to introduce a bill at this time with out presenting a notice

Motion Carried.

Motion of Hill that we suspend the rules and take a recess for 15 minutes.

Motion Carried.

House Resumes.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Reading of House Bills.

Reading of H. B's 1st and 2nd time.

H. B. No. 31. Read a first and second time.

Referred to Committee on State Institution.

H. B. No. 32. Read a first and second time.

Referred to Committee on Ways and Means.

Mr Speaker announces we will suspend the regular order of business to receive the Honorable Senate of the State of Montana.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena Mont Jan 18 1901

The hour of 12 o'clock noon having arrived. The Senate and House of Representatives met in Joint session, the President of the Senate in the Chair.

The rolls of the House and Senate were called.

Mr President found a quorum of both bodies present.

The minutes of yesterday's Joint Session were read and approved.

The President then announced that the Joint assembly would now proceed to vote for a United States Senator to succeed the Hon Wm. A Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips—7.

For Frank—Courtney, Myers—2.

For Cooper—Conrow, Gruwell, Hoffman, Kennedy, Murray, Tierney—6.

For Conrad—Biggs, Stanton—2.

For Hoffman—Cullen, Warner—2.

For Kramer—Connolly—1.

Duer—Mahon—1.

The following pair was announced Worden with Clark.

The President ordered the Chief Clerk to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bourne, Brownlee, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Stull—20.

For Frank—Adkins, Baker, Berkin, Brein, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Madden, Pelletier, White, Corbett—13.

For Cooper—Dee, Martin, Metlen, Myers, Swindlehurst—5.

For Conrad—Cram, Donaldson, McDonnell, Sanden, Sullivan of Lewis and Clarke, Toole, Urquhart, Woods—8.

For Gibson—Connor of Cascade, Jensen, Lannin, Lowney, Richardson—5.

For MacGinniss—Axtell, Crawford, Fine—3.

For Cardwell—Meunier, McDonald—2.

For Hinds—Ferry, Sullivan of Silver Bow—2.

For Jos. K. Toole—MacGinniss—1.  
 For Parker—Ward—1.  
 For Hoffman—McTague—1.  
 For Connolly—Quinn—1.  
 For Spriggs—Rossman—1.  
 For Tierney—Cannon—1.  
 The following pairs were announced.  
 Newton with Myers of Park.  
 Kilgallon with Shanley.  
 Gilchrist with Conner of Ravalli.  
 Bielenberg with Thoroughman.

The President thereupon announced the following as the vote of the Joint Assembly.

H. L. Frank .....	15
W. G. Conrad .....	10
Walter Cooper .....	11
Lee Mantle .....	27
Paris Gibson .....	5
John MacGinniss .....	3
C. W. Hoffman .....	3
Ed Cardwell .....	2
T. R. Hinds .....	2
J. K. Toole .....	1
C. E. Duer .....	1
F. J. Kramer .....	1
L. C. Parker .....	1
Jerry Connolly .....	1
A. E. Spriggs .....	1
W. E. Tierney .....	1

Total ..... 85

There being no choice, the President declares no election.

Moved by Cullen the Joint assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

Motion of Baker the House take a recess until 2.30.

Motion Carried.

House Resumed at 2.30 P. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

#### NOTICES.

Helena Montana Jan. 18, 1901

The following notices were introduced.

Mr Speaker: We hereby announce that we have paired on the vote for U. S. Senator for Saturday Jan 19 1901 and Monday Jan 21 1901.

D. E. METLEN

C D NEWBARRY

There being no objection Martin and Metlin were excused Saturday and Monday Jan. 19 and 21st 1901

#### READING OF HOUSE BILLS

Reading of House Bills first and second time.

H. B. No. 34. Read first and second time.

Referred to Judiciary Committee.

H. B. No. 35. Read first and second time.

Referred to Committee on Mines and Mining.

#### MOTIONS AND RESOLUTIONS.

##### HOUSE RESOLUTION NO. 1.

WHEREAS, it appears, on page 159 of the laws, resolutions and memorials of the State of Montana, passed at the Sixth regular session of the Legislative Assembly, that Senate Joint (Resolution No. 1.) read as follows:

"Whereas: Senator Anderrson has introduced in the Senate, Senate Bill



"No. 27 being entitled a Bill for an Act entitled 'An Act to provide for the registration of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate', which said Bill is commonly known as the "Torrens System" of land transfers, and

"Whereas: The same bill has been introduced in the House by Representative Hedges, and said Bills being very long and also providing for radical changes in the system of land transfers, and

"Whereas: it is deemed best that the changes proposed in the Bill receive thorough consideration before enacting the same into law, therefore be it

"Resolved: by the Senate, the House concurring, that the Governor of the State of Montana be, and he is hereby authorized and directed to appoint a commission of five (5) suitable persons, within thirty (30) days after the passage and approval of this resolution, and that said commission so appointed shall (have) power to examine into and report upon the feasibility and advisability of the adoption of the system of land transfers proposed in the Bill above named.

"Be it further Resolved, that said commission so appointed by the Governor shall serve without compensation and shall report to the next Legislative Assembly, on or before the first day of the session thereof, the advisability of adopting the said proposed system of land transfers, said commission deem(ed) the principles of land transfers proposed in said Bill "to be advisable." and was approved February 22nd, 1899; and,

Whereas: Governor Robert B. Smith, in accordance therewith, appointed such Commission;

BE IT RESOLVED: That a copy of these resolutions be sent to the office of his Excellency, Governor Joseph K. Toole, with the request that the report of such Commission, which was appointed, be transmitted at as early a date as possible, to the Senate and also to the House. HEDGES.

Moved by Hedges that his resolution be adopted.

Motion Carried.

Moved by Stull that names of W. A. Corbly and Bert Trotter engineers be added to the list of Clerks and attaches of the House.

The motion carried and the recommendation concurred in.

#### REPORT OF STANDING COMMITTEES.

Mr. Speaker: Your Committee on Military affairs very respectfully move that owing to the fact that some bills have been introduced, and there is a prospect of considerable business coming before said committee, that we do be allowed a clerk for said committee. McINTIRE Chairman.

Moved by Faust that the report be adopted.

Motion Carried.

Moved by Gilchrist that, P. J. Gilligan, Frank Longstaff and J. C. Sullivan be employed as Committee Clerks, and that they shall be assigned respectively to the following duties:

P. J. Gilligan shall perform the duties of Reading Clerk.

Frank (Longstaff shall) perform the duties of Assistant Journal Clerk; and

J. C. Sullivan shall have charge of the House coat room.

Motion Carried.

Moved by Meunier we adjourn until 11. o'clock A. M. tomorrow Jan. 19, 1901.

Motion Carried and Mr Speaker declared the House adjourned until 11. o'clock A M tomorrow Jan. 19, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.



## THIRTEENTH DAY

House of Representatives,

Helena Mont Jan 19, 1901.

House met pursuant to adjournment at 11 O'clock A. M.

Mr. Speaker in the chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

The minutes of the Twelfth Day were read and approved.

## COMMUNICATIONS.

Mr. Speaker: I hereby tender my resignation as Committee Clerk of the Appropriation Committee, taking effect Monday the 21st. day of January 1901.

Respectfully MRS. N. L. FEATHERLY

Moved by Dee that the resignation be accepted and placed on file.

Motion Carried.

## NOTICES OF INTRODUCTION.

Notices of the introduction of bills were as follows:

By Hedges: A Bill for an Act entitled an Act to regulate the practice of Osteopathy in the State of Montana, and to license Osteopaths to practice in this State and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this Act.

By Ward: A Bill for an Act providing for the destruction of a wild grass known as Fox Tail

By Gilchrist: A Bill for an Act to increase the number of Supreme Court Justices to five, and to provide for the appointment and election, and to fix the salaries of the Justices of the Supreme Court, and to amend Section 12 of the Code of Civil Procedure.

By Baker: A Bill for An Act entitled an Act providing for the submission to the Electors of the State of Montana, for their approval or rejection an amendment to Section 6, Articles 13, of the Constitution of the State of Montana relating to the indebtedness of Cities.

By Dee: A Bill (for an act) entitled An Act to fix the maximum price for the transportation of ores throughout the State of Montana, and giving a cause of action for damages sustained by discrimination or negligence on the part of any railroad or any official thereof to furnish cars.

## REPORT OF STANDING COMMITTEES.

Mr. Speaker: The Committees on State lands agriculture & stock and education have selected Miss Mabel Cleeland as clerk for said committees and I move that the house adopt the action of the said committees.

GEO. R. WOOD, Chairman of Committee of State Lands.

Motion Carried.

Mr. Speaker: Your Committee on Military Affairs met Jan. 18th pursuant to adjournment and selected Miss Annie McDonald as Clerk of said Committee.

We now move you Sir, that said nomination and election be approved by the House of Representatives.

McINTIRE, Chairman.

Motion Carried.

Mr. Sneaker:—"The Committee on Labor," having considered "House Bill No. 17" Entitled a Bill for an Act, to secure the employees the payment of their wages in Lawful Money of the United States; and prescribing a penalty for the Violation, Thereof, report the same back, with the recommendation that the same do pass.

LOWNEY Chairman.

Moved by Dee that the report be adopted and H. B. No 17, be referred to printing committee.

Motion Carried.

## INTRODUCTION OF BILLS AND MEMORIALS.

the following bills were introduced:

H. B. No. 36. By Fine A Bill for An Act to amend Section 1757, of

the Political Code relating to the apportionment of money to school districts Joint House Memorial No. 1 By McIntire. For the relief of certain settlers upon Lewis and Clarke forest reserve of Montana.

Moved by Mennier that the House take a recess until 11.45

Motion Carried.

11.45 House Resumes.

Mr Speaker in the Chair.

THE HONORABLE, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives. Helena Montana Jan. 19, 1901

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 (A) M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the Honorable W. A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, and the following vote was announced.

For Lee Mantle—Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips—7.

For H. L. Frank—Courtney, Myers—2.

For C. Duer—Biggs, Connolly, Kennedy, Mahon, Stanton, Warner—6.

For Walter Cooper—Conrow, Gruwell, Hoffman, Murray—4.

For C. W. Hoffman—Cullen—1.

Absent and paired—Worden, Clark, Anderson, Tierney—4.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was announced.

For Lee Mantle—Baggs, Becker, Bourne, Brownlee, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Paterson, Roland—17.

For H. L. Frank—Adkins, Baker, Berkin, Brein, Hartwig, Hill, Madden, McTague, White, Corbett—10.

For C. Duer—Fine, Meunier, Richardson, Ward, Woods—5.

For W. G. Conrad—Connor of Cascade, Cram, Donaldson, Geary, Jensen, Sanden, Sullivan of Lewis and Clarke, Urquhart—8.

For Walter Cooper—Dec, Fitzpatrick, Martin, Swindlehurst—4.

For Thos. Richardson—Axtell, Crawford, Lannin, Lowney, Pelletier, Sullivan of Silver Bow—6.

For Tierney—Cannon.

For Toole—MacGinniss.

For Hinds—Ferry.

For Lockhart—McDonnell of Jefferson.

For Connolly—Quinn.

For MacGinniss—Rosman.

Absent and paired—Blendenberg, Connor of Ravalli, Gilchrist, Kilgallon, Metlin, Myers, Newberry, Newton, McDonald of Deer Lodge, Shanley, Stull, Thoroughman, Toole, Pendergrass.

The President announced the following as the vote of the Joint Assembly.

For Lee Mantle .....	24
For H. L. Frank .....	12
For Charles Duer .....	11
For W. G. Conrad .....	8
For Walter Cooper .....	8
For T. F. Richardson .....	6
For C. W. Hoffman .....	1
For J. K. Toole .....	1
For W. E. Tierney .....	1
For T. R. Hinds .....	1
For W. H. Lockhart .....	1
For Jerry Connolly .....	1
For John MacGinniss .....	1

—  
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The President announced no election and Motion of Senator Kennedy the Joint Session dissolved and retired from the hall of the House.

#### MOTIONS AND RESOLUTIONS.

The following motion was introduced

By Hedges, that W. A. Corbly and Bert Trotter be added to the list of Employees and attaches of the House and that they be designated by the Speaker to perform the duties of Engineers of the Furnace to the Building of the Legislative Assembly.

Mr. Speaker directs that the duties of the above named employees will be that of Engineers of the Boiler room.

Motion Carried.

#### MESSAGES FROM THE SENATE.

The following message was received from the Senate.

Helena, Montana, January 19, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: The Senate has concurred in House Bill No. 15.

Yours respectfully,

C. A. WHIPPLE Secretary

#### REPORTS OF STANDING COMMITTEES.

The following report was received from the Enrollment committee.

Helena, Montana, Jan 19 1901

Mr. Speaker Your Committee on Enrollment report House Bill No. 15 as correctly enrolled.

JNO. MacGINNISS Chairman

Moved by Dee that report be adopted and placed on file.

Motion Carried.

Mr Speaker notifies the House that he is about to sign House Bill No. 15 and signs same in the presence of the House.

Moved by Jensen we do now adjourn until 12. M. Monday Jan 21, 1901

Motion Lost.

Moved by Baker we do now adjourn until 11. o'clock Monday Jan 21, 1901.

Motion Carried.

Mr Speaker announces we do now stand adjourned until 11 o'clock Monday Jan 21 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## FIFTEENTH DAY

House of Representatives.

Helena, Mont. Jan. 21st. 1901.

House met pursuant to adjournment at 11 o'clock A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by Chaplain.



Minutes of the 13th. day were read and approved with the following correction, That the names of W. A. Corbly and Bert Trotter, appear on the minutes as Committee Clerks.

Honorable F. E. Corbett Speaker of House of Representatives.

DEAR SIR:—We regard this session as a memorable one in our State History and greatly desire a picture of its members. Will you please announce to the House that we hope each member will call at Taylor's to have a negative taken for the Historical (Library) Society.

Very Respectfully. LAURA E. HOWEY, Librarian.

#### REPORT OF STANDING COMMITTEES.

Reports of standing (committees) were as follows:—

Mr. Speaker Your Committee on Enrollment report the appointment, as clerks, of Mrs. Ada H. Brackett, Miss Mae Flaherty, and Miss Mary Wilson, and ask that same be ratified by the house; and that the Enrolling clerk be authorized to engage further assistance as the number of bills increase.

MacGINNISS, Chairman.

Mr Speaker Your Committees on Appropriations, Railroads and Transportsations, and State Institutions, require a Joint Clerk to serve them, and have determined upon B. F. Fine as such clerk, and we move you, Sir, That the House confirm the appointment

EMERSON HILL Chairman of Appropriations

JOHN BERKIN Chairman of R R & Transportation

H. L. CRAM Chairman of State Institutions

Helena January 19th, 1901.

Mr. Speaker: Your Committee on Appropriations report that pursuant to the call, they met in their Committee Room at four o'clock P. M. this day: Present, Hill, Berkin, Cram, Crawford, and White.

Mr. Berkin moved to accept the resignation of Mrs. Featherly, heretofore elected as Clerk of the Committee. Motion carried. Thereupon, Mr. Berkin moved that David W. Yancey be elected Clerk to fill the vacancy caused by the resignation of Mrs. Featherly. Motion carried.

(Mr. Crawford moved that the election of Mr. Yancey be made unanimous.) Motion carried.

On motion of Mr. Berkin, Committee adjourned to meet at four o'clock P. M., Monday, January 21st, 1901.

EMERSON HILL Chairman (Appropriations Committee.)

Moved by Stull that the report be laid on the table Motion Carried

Moved by MacGinniss that the report on the Enrollment Committee be adopted as read. Motion Carried.

Mr. Speaker: Your committee on Apportionment and Representation report that they have met and perfected organization and have selected Maud D. Bevan as clerk of the committee, and move that the House concur in said selection.

WARD, Chairman

#### READING OF HOUSE BILLS.

H. B. No. 37. Read 1st and 2nd time.

Referred to Committee on Ways and Means.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received—

Helena, Montana, Jan. 18, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: The following (Senate) Bills were introduced:

By Biggs: Senate Bill No. 15. A Bill to provide for the better security of life and property from the dangers of coal and petroleum oils.

By Murray: Senate Bill No. 16. A Bill for an act to provide for the erection, completion, furnishing and equipment of additional buildings for the State Normal School of Montana and also providing for the issuance of bonds.

By Phillips: Senate Bill No. 17. A Bill for an Act to amend section 3070 of Article 8, Chapter 5, Title 7, Part 3 of the Political Code as amended by the act approved February 27th, 1899, relating to the payment of bounty on Wild animals.

Respectfully yours, C. A. WHIPPLE Sec.



Senate Chamber, Helena, Montana, January 17, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following Bill was introduced:

By Murray: Senate Bill No. 14—An Act to amend Section 3213 of the Political Code of Montana, relating to the County Poor Farm.

Respy

C. A. WHIPPLE Secy

Senate Chamber, Helena, Montana, Jan. 19th, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

By Committee on Judiciary: Senate Bill No. 18. A Bill for an Act to amend Section 672, Chapter II, Title VI, Part II, of the Code of Civil Procedure (of) Montana, relating to the jointure of causes of action.

By Myers: Senate Bill No. 19. An Act to amend Section 1080, of the Code of Civil Procedure of Montana, relating to the mode of civil procedure in the trial of Civil Actions.

By Myers: Senate Bill No. 20. An Act to amend Section 2070, of the Penal Code of Montana, relating to method of procedure in the trial of Criminal Actions.

Yours Respy

C. A. WHIPPLE Secy

Senate Chamber, Helena, Montana, January 19, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following notices of the introduction of bills were (given:)

By Myers: A bill for an act entitled an act to amend Section No. 3873 of the Political Code of Montana, relating to the publication of delinquent taxes, and to make the same more explicit.

By Meyer of Carbon Co A bill for an act to amend Section 925, Part 2, Title 8, Chapter 4 of the Code of Civil Procedure, relating to attachment and garnishment.

By Myers: A bill for an act entitled an act to provide for the publication of (Occupation) License Moneys collected by County Treasurers.

Yours Respy

C. A. WHIPPLE Secy

Moved by McIntire we do now return to order of business No. 7.

Motion carried.

#### (READING OF BILLS MEMORIALS ETC)

House Joint Memorial No. 1 Read 1st time.

Moved by Dixon that Joint House Memorial No. 1 be adopted.

Motion carried.

H. B. No. 38 read 1st and 2nd time.

Moved by Conner of Cascade that H. B. No. 38 be referred to Committee on Internal Improvements.

Motion carried.

H. B. No. 39, read 1st and 2nd time.

Referred to Committee on Judiciary.

Moved by Ward we do now take a recess until twelve M.

Motion carried.

12 O'clock M. House Resumes.

The honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives, Helena, Montana, Jan. 21 1901.

The members of the Senate and House of representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the honorable William A. Clark, in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva

voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips—7.

For Conrad—Biggs, Mahon, Myers, Stanton, Warner—5.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For Frank—Murray—1.

For MacGinniss—Kennedy—1.

For Spriggs—Connolly—1.

For Hoffman—Cullen—1.

Absent and not voting—Anderson, Courtney, Clark and Worden.

The President ordered the Chief Clerk of the House to call the roll of the House and the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Dixon, Doulan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newton, Patterson, Roland, Shanley, Stull—20.

For Conrad—Baker, Cannon, Connor of Cascade, Donaldson, Geary, Hartwig, Rosman, Sanden, Sullivan of Lewis and Clarke, Urquhart, Cram—11.

For Frank—Berkin, Brein, Gilchrist, Hill, Kilgallon, Madden, Pelletier, Pendergrass, Toole, Ward, White, Corbett—12.

For Cooper—Martin, Myers, Swindlehurst, Thoroughman—4.

Mor McGinniss—Adkins, Crawford, Lannin—3.

For Gibson—Jensen, Richardson, Woods—3.

For Peeler—Fitzpatrick, Meunier—2.

For Spriggs—Lowney—1.

For Hoffman—Fine, McTague—2.

For Hinds—Ferry, Sullivan of Silver Bow—2.

For Toole—MacGinniss—1.

For Brooke—McDonald—1.

For Connolly—Quinn—1.

Absent and not voting—Axtell, Bourne, Conner of Ravalli, Dee, McDonnell, Deer Lodge, Metlin, Newberry.

The President announced the vote of the Joint Session as follows.

For Lee Mantle .....	27
“ W. G. Conrad .....	16
“ H. L. Frank .....	13
“ Walter Cooper .....	8
“ C. W. Hoffman .....	3
“ John MacGinniss .....	4
“ Paris Gibson .....	3
“ D. R. Peeler .....	2
“ A. E. Spriggs .....	2
“ T. R. Hinds .....	2
“ J. K. Toole .....	1
“ E. G. Brooke .....	1
“ Jerry Connolly .....	1

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There being no choice, The President declares no election.

Motion of Connolly that the Joint Assembly do now dissolve and retire from the body of the House.

Motion Carried.

#### NOTICES OF INTRODUCTION.

The notices of introduction of Bills were as follows:

By Shanley: A Bill to amend section 1188, of the penal code of the State of Montana.

Also: A Bill for the proper advertising of all unclaimed strays, which are shipped out of the State.

By Wood. An Act to amend Sec. 451, of the civil code relating to annual reports of Corporations.

There being no objections Notices were placed on file.

## READING OF HOUSE BILLS.

H. B. No. 36. was read a first and second time and referred to Committee on Education.

H. B. No. 40. was Read a first and second time and Referred to Committee on Agriculture and Stock.

H. B. No. 41. Read a first and second time and Referred to Judiciary Committee.

H. B. No. 43. Read a first and second time and Referred to Committee on Corporation other than municipal.

## MOTIONS AND RESOLUTIONS.

On Motion of McTague that when we adjourn we do stand adjourned until 11 O'clock A. M. tomorrow Jan. 22nd. 1901.

Motion Carried:

Moved by Connor of Cascade that House Bill No. 34. introduced by Pelletier be taken from the Judiciary Committee and referred to the Committee on Labor.

Motion Carried:

## NOTICE.

I hereby announce to this honorable body, the 7th. Legislative Assembly of the State of Montana that I have appointed as my clerk Miss Elizabeth McEvily of Lewis and Clarke.

FRANK E. CORBETT, Speaker.

Appointment made Jan. 21. 1901

## MESSAGES FROM THE SENATE.

January 21st., 1901.

To the Speaker of the House of Representatives, State of Montana:—

I have the honor to inform the House of Representatives that, at my request, the Capitol Commission has furnished me the following estimates of the amount required to furnish and equip the Capitol Building and prepare the grounds for use:

## ESTIMATES.

Furniture and carpets .....	\$45,000.00
Frescoing .....	25,000.00
Vault Fixtures .....	15,000.00
Electric Fixtures .....	25,000.00
Grounds, walks, coping, etc. ....	25,000.00
Statuary for front .....	2,000.00
Finishing rooms on third floor and concret- ing basement .....	15,000.00

Total .....\$152,000.00

These estimates are exclusive of \$27,165.26, unpaid and unprovided for, as shown by last report of the Commission.

A careful study of the subject satisfies me that the estimates are not unreasonable considering the character of the building, and (I) indulge the hope that substantial appropriations will be made to secure the early occupancy of the building.

Respectfully, J. K. TOOLE Governor.

January 19th., 1901.

To the Speaker of the House of Representatives, State of Montana.

I have the honor to inform the House of Representatives that I have to-day approved House Bill No. 15, entitled "An act to appropriate moneys for the payment of mileage and per diem of the members of the Seventh Legislative Assembly of the State of Montana; also payment for the per diem of the officers and attaches".

Very respectfully,

J. K. TOOLE Governor

## INTRODUCTION OF BILLS.

The following bills were introduced.

H. B. No. 37. By Hartwig. A Bill for an act to amend Section 3926 of the Political Code of Montana relating to Sale of tax certificates for land purchased by the County at tax Sales.



H. B. No. 38. By Hedges. A Bill for an act entitled an act to regulate the practice of osteopathy in the State of Montana and to license osteopaths to practice in the State and to establish a board of Osteopathic examiners and to punish persons violating the provisions of this act.

H. B. No. 39. By Baker: A Bill for an act entitled an act providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Section Six Article 13 of the Constitution of the State of Montana relating to the indebtedness of cities.

H. B. No. 40. By Ward: An act providing for the destruction of the wild grass known as Fox Tail.

H. B. No. 41. By Wood: An act to amend Section 2131 of the Code of Civil Procedure relating to filing liens of mechanics.

H. B. No. 42. Introduced by Committee on Mines and Mining: For an act creating the office of deputy inspector of Coal Mines, defining his duties, providing his Compensation and Creating Section 591 of the Political Code.

Helena, Mont. Jan 21 1901

Mr. Speaker Your Committee on Enrollment report that they transmitted House Bill No. 15 to His Excellency the Governor Jan 19th 1901

MacGINNISS Chairman

There being no objection the notice from the Governor was placed on file.

Motion of Baker that we do now adjourn until 11 A. M. tomorrow Jan 22. 1901. Motion carried.

Mr. Speaker announces we do now stand adjourned until tomorrow 11 A. M. January 22nd. 1901.

ROGER E. SKELLY, Chief Clerk

FRANK E. CORBETT Speaker

## SIXTEENTH DAY

House of Representatives.

Helena Mont Jan 22 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by Chaplain.

The minutes of the previous day was read and approved.

### PRESENTATION OF PETITIONS.

Petition from Frank Durman and 27 others residents of Granite County praying that, that portion of Granite County in which they live may be segregated from Granite and attached to Missoula County was presented by Dixon.

There being no objection the petition was placed on file and referred to Committee on Townships and Counties.

### NOTICES OF INTRODUCTION.

The following notices of introduction of Bills were given as follows:

By Dee: A Bill for an act to safeguard elections; to protect voters; and to provide a penalty for the violation thereof.

By Jensen: A Bill for an act to amend Sections 1810 and 1962 of the Political Code of Montana, in reference to the issuance of School District bonds.

Also—A Bill for an act to amend Sections 1940A. and 1940B. of the Political Code of Montana, as enacted by the Fifth Legislative Assembly of the State of Montana, through Senate Bill No. 44., approved March 8th. 1897. In reference to general and special taxes for school purposes and to repeal Section 1941 of the Political Code of Mont.

By Donaldson: A Bill for an act to amend Sections 2246, 2247, 2248,



2250, 2251, 2252, 2253, 2254, 2256, 2257 and 2325 of the Penal Code.

By Urquhart: A Bill for an act to amend Section 4603 of the Political Code of Montana.

By Patterson: A Bill relating to the creation of an additional judicial district comprising Choteau and Valley Counties.

By Gilchrist: A Bill for an act to provide for further protection to animals.

By Roland: A Bill for an act providing for the submission to the qualified electors of the State of Montana, for their approval or rejection of an amendment to Section 4, Article XVI, of the Constitution, relating to County Commissioners.

By Swindlehurst: A Bill for an act entitled an act to amend Section 681, Article III, Title IV, Chapter I of the Civil Code of the State of Montana, relating to taxes collected from Insurance Companies and Corporations.

There being no objections the notices were placed on file.

#### REPORTS OF STANDING COMMITTEES.

The following reports were received.

Mr. Speaker:—We your Committee on Engrossing, pursuant to call met at 4:30, p. m., and decided that we elect an additional committee clerk, and beg leave to report that Miss Hoffstetter was elected by unanimous vote of said committee, and would recommend that the House indorse said Miss Hoffstetter for the position above mentioned.

Respectfully submitted, B. F. MYERS Chairman.

Moved by Kilgallan that the report be adopted.

Motion Carried.

Mr. Speaker: Your Committee on Appropriations report that they met in their Committee (Room) at 3:30 P. M., January 21st, 1901, with a quorum present.

The resignation of Mrs. N. L. Featherly as Clerk of the Committee was accepted and, on motion, David W. Yancey was elected Clerk.

EMERSON HILL Chairman.

Moved by Berkin that the report be adopted.

Motion Carried.

January 22, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 41, entitled "An Act to Amend Section 2131 of the Code of Civil Procedure Relating to Filing Liens of Mechanics and Others Upon Real Property," report the same favorably and recommend that the same be passed.

M. P. GILCHRIST Chairman.

Moved by Hedges that the report be adopted and H. B. No 41 be referred to (Printing) Committee.

Motion Carried.

Mr. Speaker:—Your committee on Printing, to whom was referred House Bill No. 12, begs leave to report that the same has been returned to the House, correctly printed, except in the case of one word, which correction has been made by interlineation.

Respectfully submitted,

GEO. F. WHITE Chairman.

Moved by Fine that the report of the Printing Committee be adopted

Motion Carried.

Mr Speaker: Your Committee on apportionment & Representation met to discuss House Bill No. 30 introduced by Hedges and report same back with the recommendation that it do not pass.

WARD. Chairman.

Moved by Baker that the report be adopted and the recommendation be concurred in.

Substitute motion by Hedges that H. B. No 30. be referred to the Printing Committee. On Roll being called the Substitute motion carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenberg, Brownlee, Connor of Cascade Co., Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Ferry, Fine, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallan, Lannin, Lehman, MacGinniss, Madden, Martin, McCone, McDonnell of Deer Lodge McDonnell of Jefferson, McIntire, McTague, Metlen, Murray, New-

berry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White, Mr. Speaker—52.

Noes—Baker, Cannon, Cram, Dee, Donaldson, Fitzpatrick, Geary, Jensen, Lowney, Myers, Rosman, Thoroughman, Ward, Wood—15.

January 22, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 9, entitled "An Act to Amend Section 2776 of the Code of Civil Procedure Relating to the Compensation of Executors and Administrators," report the same favorably and recommend that the same be passed.

M. P. GILCHRIST Chairman.

Moved by Gilchrist that H. B. No 9 be referred to Printing Committee. Motion Carried.

(Mr. Speaker:—Your Committee on Labor to whom was referred "House Bill" No. 21. Introduced by Charles Lannin "Entitled" An Act Providing for the Submission to the Election of the State of Montana for their approval or Rejection, and Amendment of Section 20, of Article XV, of the Constitution of the State of Montana, Relative to the Powers and Duties of the Legislature with References to Corporations other than Municipal.

We beg leave to report that we have considered House Bill No. 21, and recommend that the same do pass.

Signed by. HENRY LOWNEY Chairman.)

(Moved by Lowney that the report be adopted and H. B. No 21 be referred to Printing committee.)

Motion Carried.

Mr. Speaker:—Your Committee on Labor to whom was referred "House Bill" No. 25, introduced by Swindlehurst "Entitled A Bill for an Act providing for the Employment of a Check Weighman at Coal Mines, prescribing his duties and providing penalty for Violation Thereof:

We beg leave to report that we have considered "House Bill" No. 25, and recommend that the same do pass. HENRY LOWNEY Chairman.

Moved by Pelletier that the report be adopted and that H. B. No. 25 be referred to Printing Committee.

Motion Carried.

Helena, Montana, January 21st. 1901.

To the Honorable Speaker of the House of Representatives of the State of Montana. Sir:—

Your committee on Internal Improvements begs leave to submit the following report.

We the members of said committee after having considered carefully house bill No. 38, relating to the practice of osteopathy in this state, recommend that it do pass.

T. F. RICHARDSON Chairman. .

Moved by Hedges that the report be adopted and H. B. No. 38 be referred to Printing Committee.

Motion Carried.

Moved by Meunier we do now take a recess until 12. O'clock M

Motion Carried.

Twelve O'clock M.

House Resumes.

Mr Speaker in the Chair:

The Honorable, the Senate entered the House were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., January 22, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at twelve O'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. W. A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Kelly, McLean, Mitchell, Phillips—5.

For MacGinniss—Kennedy, Mahon, Warner—3.

For Cooper—Gruwell, Hoffman, Tierney—3.

For Conrad—Biggs, Myers, Stanton—3.

For Hoffmau—Cullen.

For Graeter—Murray.

Absent and paired—Senators Clark, Connolly, Conrow, Courtney, Geiger, Hobson, Meyer, and Worden.

The President ordered the Chief Clerk of the House, to call the roll of the House, and the following vote was announced.

#### THE HOUSE.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—21.

For Pelletier—Adkins, Axtell, Conner of Cascade, Crawford, Dee, Fine, Lannin, Lewney, Pendergrass, Quinn, Richardson, Sullivan of Lewis & Clarke, Sullivan of Silver Bow—13.

For MacGinniss—Cannon, Donaldson, Fitzpatrick, McDonald, Meunier, Pelletier, Rosman, Ward—8.

For Frank—Berkin, Cram, Gilchrist, Hill, Kilgallan, Madden, Toole, Urquhart, White, Corbett—10.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman, Wood—6.

For Conrad—Baker, Geary, Hartwig, McDonnell—4.

For Meaney—Ferry, Jensen—2.

For Hoffman—McTague—1.

For Toole—MacGinniss—1.

For Huseby—Sanden—1.

Absent and not voting—Bourne, Brein, Jones—3.

The President announced the vote of the Joint Session as follows.

For Lee Mantle .....	26
“ F. J. Pelletier .....	13
“ John MacGinniss .....	11
“ H. L. Frank .....	10
“ Walter Cooper .....	9
“ W. G. Conrad .....	7
“ C. W. Hoffman .....	2
“ Patrick Meany .....	2
“ A. E. Graeter .....	1
“ J. K. Toole .....	1
“ John Huseby .....	1

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The President announced no one having a majority there is no election: Moved by Warden that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

The Senate retired. House Resumed.

Mr. Speaker in the Chair.

Joint Memorial No 1 was read 2<sup>d</sup> time by Title and Referred to committee on State Lands.

#### MESSAGES.

(The Following messages were received from the Governor.)

Executive Office, Helena, Montana, January 21st., 1901.



To the Speaker of the House of Representatives, State of Montana:—

I have the honor to transmit herewith to the House of Representatives an estimate of the moneys needed for the maintenance of the several state institutions for the Fiscal Years of 1901-1902.

These several institutions have furnished to this office at my request estimates to cover 1901 and 1902, in which items are embraced not authorized by law or recommended by any supervising Board; all of such I have eliminated (from the estimate herewith transmitted.) (In every instance I have eliminated) all estimates for new buildings and the expenses of maintenance of the same.

I have endeavored to be controlled in the estimate submitted, First, by the necessities of the several institutions, second, by the financial conditions of the state, neither of which appears to warrant any greater expenditures than are embraced in the estimate herewith submitted.

#### ESTIMATE. 1901.

For maintenance of Penitentiary.....	\$ 57,000.00
For Maintenance of Insane .....	120,000.00
For Maintenance of Orphans Home .....	17,000.00
For Maintenance of Reform School .....	21,100.00
For Maintenance of School of Mines .....	25,000.00
For Maintenance of Agricultural College.....	10,000.00
For Maintenance of Normal School .....	15,540.00
For Maintenance of Soldiers Home .....	7,535.00
For Maintenance of University .....	35,765.00
For Maintenance of Deaf and Dumb .....	13,230.00

#### ESTIMATE. 1902.

For Maintenance of Penitentiary .....	\$ 57,000.00
For Maintenance of Insane .....	120,000.00
For Maintenance of Orphans Home .....	18,000.00
For Maintenance of Reform School .....	21,100.00
For Maintenance of School of Mines .....	25,000.00
For Maintenance of Agricultural College.....	10,000.00
For Maintenance of Normal School .....	15,540.00
For Maintenance of Soldiers Home .....	7,504.00
For Maintenance of University .....	35,765.00
For Maintenance of Deaf and Dumb* .....	13,230.00

Respectfully, J. K. TOOLE Governor.

There being no objection the message was placed on file and referred to Committee on Ways and Means.

#### MESSAGES FROM THE SENATE.

The following messages were received.

Senate Chamber, Helena, Montana, Jan. 21, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of Introduction of bills were given as follows:

By Anderson: To amend section 451 of the Civil Code relating to annual reports of corporations.

By Conrow: To amend section 2970, 2972, 2944, 2945, 2990, of the Political Code Providing for the inspection of Marks and brands of cattle before slaughtering for sale.

By Cullen: To amend sections 4644 and 4646, Chapter 4, Title 2, Part 4, of the Political Code relating to fees of Jurors.

By Myers: To amend Section No. 4642 of the Political Code of Montana, relating to fees of Justices of the Peace.

By Kennedy: To repeal an act to suppress and punish trespassers and stealing rides upon cars, engines and trains, and authorizing train men to arrest and prosecute offenders against said act.

Respy

C. A. WHIPPLE Secy

Helena, Montana, Jan. 21, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

S. B. 21 By Cullen: A bill for an Act entitled "An Act to create the



county of Rosebud, to define its boundaries and to provide for its organization.

S. B. 22 By Committee on Judiciary: A bill for an act to provide for the appointment of three commissioners to be known as Commissioners of the Supreme Court together with a Secretary, to relieve said court from the overburdened condition of its Calendar.

S. B. 23 By Committee on Judiciary: A Bill for an Act to amend Section 683, Chapter 3, Title 6, Part 2, of the Code of Civil Procedure relating to pleadings in Civil Actions.

S. B. 24 By Committee on Judiciary: A Bill for an act to (amend) Section 1821, Chapter IV, Title XIV, of the Code of Civil Procedure relating to motions in Civil Actions.

S. B. 25 By Judiciary Committee: A Bill for an Act to amend section 1133, Act (Art) 12, Chapter 7, Part III, Title I of the Political Code of Montana relative to time of payment of salaries of District Judges and other officers.

S. B. 26 By Myers: An Act to provide for the publication of occupation licenses, moneys collected by county Treasurers.

S. B. 27 (By Myers: An Act to amend section 3873, of the Political Code of Montana relating to the publication of delinquent taxes and to make the same more explicit.)

(S. B. 28) By Myer of Carbon County: A Bill for an Act to amend Section 925, Part 2, Title 7, Chapter IV of the Code of Civil Procedure relating to the attachment and garnishment.

Respy

C. A. WHIPPLE Secy

There being no objection the messages were placed on file.

#### INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 43. By Hill: A Bill for an act to provide a Montana Board of Commissioners for the Pan-American Exposition and other officers, for the collection, exhibition and maintenance of the products, resources and developments of the State of Montana at the Pan-American Exposition of 1901 to be held at Buffalo, N. Y. and to prescribe the powers and duties of such Board and Officers.

H. B. No. 44. By Dee: A Bill for an act to fix the maximum price for the transportation of ores, throughout the State of Montana; and giving a cause of action for damages sustained; by discrimination, or negligence, on the part of any Railroad, or official, thereof, to furnish cars.

H. B. No. 45. By Shanley: A Bill for an act to provide an additional Section to be numbered 2958, Article II of Chapter V of Part III of Title VII of the Political Code, concerning the duties of the Board of State Commissioners.

H. B. No. 46. By Connor of Ravalli: A Bill for an act entitled an act amending Section 3134, Chapter 6, Part 3, Title 7, of the Political Code relating to Standard Weights and Measures.

H. B. No. 47. By Dixon: An act entitled an act to change the boundaries of Missoula County and alter the boundaries of Granite County to conform thereto.

Mr. Speaker I ask leave of the house and unanimous consent to introduce two bills upon the subject of the Pan American Exposition at Buffalo New York

HILL.

There being no objection the request was granted.

#### READING OF HOUSE BILLS.

The following H. B. were read 1" and 2" time.

H. B. No. 43. Read a first and second time. Moved by Connor of Cascade that H. B. No. 43 be referred to committee on Federal Relations.

Motion lost.

H. B. No. 43. Referred to the Committee on Ways and Means.

H. B. No. 44. Read first and second time. Referred to Committee on Railway and Transportation.

H. B. No. 45. Read first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 46. Read first and second time. Moved by Connor of Cascade that H. B. No. 46 be referred to Committee on Mines and Mining.

Motion carried.

Moved by Hedges we do now adjourn out of respect of the death of Queen Victoria until tomorrow at eleven A. M. January 23, 1901.

Mr. Speaker declares the House adjourned until tomorrow at eleven o'clock A. M. January 23, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## SEVENTEENTH DAY

House of Representatives

Helena, Montana Jan 23rd 1901

House met Pursuant to adjournment at 11 O'clock A. M.

Mr. Speaker in the Chair.

Roll Call Quorum Present

Prayer by the Chaplain

Minutes of previous day's Session were read and approved

### COMMUNICATIONS.

Helena, Montana, Jan'y 23rd. 1901

Honorable Frank E. Corbett, Speaker of the House of Representatives,

Dear Sir: The Montana Fish & Game Protective Association extends a cordial invitation to yourself and all members of the House interested in the protection of fish and game, to attend the meeting of the association at 8 o'clock P. M., to be held at their club room No. 8 N. Jackson Street.

Very Courteously Yours,

A. L. PALMER, Sec'y.

### PÉTITIONS.

A petition from L. N. Pennock and 47 others. From Park City, Mont. was presented as follows:

We, the undersigned, petition your honorable body to use your earnest endeavor to defeat the passage of bill providing for the licensing of gambling and gambling houses, introduced by Senator W. E. Tierney, of Broadwater County, also

A petition from G. W. Jenkins and 90 others from Marysville. of the same form and effect.

There being no objection the petitions were placed on file.

### NOTICES.

Notices of introduction of Bills were as follows:

By Rosman: A Bill for an act to amend Section 3671 of the Political Code of the State of Montana, relating to the taxation of funds, belonging to Benevolent Societies when the same are kept and used for the payment of sick, funeral and death benefits.

By Quinn: A Bill for an act to provide for the appointment of a State Fish and Game Commissioner, and County Fish and Game Wardens, to define and regulate their powers and duties, to fix their compensation, and to repeal Article X, Chapter V, Title VII of the Political Code of Montana, relating to Game and Fish Warden and Commission.

Reports of standing committees (were as follows)

Helena, Montana, Jan. 22" 1901

Mr. Speaker. Your committee on Internal Improvements begs leave to submit the following report.

We the members of said committee, after having given due and careful consideration to house bill No. 27, relating to Public Waters and the obstructions therein, introduced by Fitzpatrick. Recommend that it do not pass. Respectfully submitted

RICHARDSON Chairman.

House of Representatives, State of Montana.

Helena, Montana, Jan. 22 1901

Mr. Speaker. Your committees on Internal Improvements and also

State Boards and Offices, in Joint meeting assembled, beg leave to submit the following report.

Owing to the amount of business before these committees, we deem it necessary to appoint a clerk to attend to the clerical work of these two committees.

And we have chosen Mrs. N. L. Featherly to act as such clerk, subject to the approval of the house.

Respectfully submitted,  
T. F. RICHARDSON Chairman  
Helena, Montana, January 22, 1901.

Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 3, respectfully report the same back with recommendations that further consideration be deferred and the Bill be indefinitely postponed.

J. E. MARTIN, Chairman.

Moved by Hedges, that the report of the Committee be adopted.

Substitute Motion by Conner of Ravalli that the bill be referred to printing committee.

Substitute carried by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bourne, Brein, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, (Gilchrist,) (Hartwig,) Lannin, Lowney, MacGinniss, Madden, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntire, McTague, Meunier, Myers, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White—45.

Noes—Bielenberg, Brownlee, Geary, Godfrey, Hedges, Hill, Kilgallan, Lehman, Martin, McCone, Metlen, Murray, Newberry, Newton, Roland, Rosman, Shanley, Thoroughman, Wood, Mr. Speaker—21.

H. B. No. 3 was referred to the printing Committee

Mr. Speaker: Your Committee on Judiciary, to whom was referred House Bill No. 23, entitled "An Act to Provide for an Additional Judge for the Second Judicial District of the State of Montana," recommend the following substitute bill for said H. B. No. 23, and recommend the indefinite postponement of said H. B. No. 23.

M. P. GILCHRIST Chairman.

Moved by Gilchrist that the report be adopted.

Motion Carried.

Moved by Baggs that the substitute Bill, be printed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 2, entitled "An Act for the Protection of the Health of Men Employed in Underground Mines, and in Smelters, Stamp Mills, Sampling Works, Concentrators, or Any Works Where Ores Are Mined or Reduced, by Regulating their Hours of Employment and Providing Penalties for the Violation Thereof," beg leave to report the same back to the House, with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Moved by Gilchrist that the report be adopted.

Substitute motion by Quinn that H. B. No 2 be referred to committee on Labor.

Substitute Motion Carried.

House of Representatives January 23, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 29, entitled, "An Act Providing that Justices of the Peace and Constables shall give bonds before entering upon the Duties of their Offices," beg leave to report the same back, with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Moved by Gilchrist that the report be adopted.

Motion Carried.

House of Representatives, January 23, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 8, entitled "A Bill for an Act Providing for Direct Legislation and Amendment to Sections 1 and 20, Article 5 of the Constitution of Montana," beg leave to report the same back, without recommendation.

M. P. GILCHRIST Chairman.

Moved by Gilchrist that the report be adopted.

Substitute motion by Sanden that the H. B. No 8 be referred to committee on Labor.



The substitute motion was Carried by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Brein, Cannon, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gregory, Hartwig, Jensen, Lannin, Lehman, Lowney, MacGinniss, McDonnell of Deer Lodge, McDonnell of Jefferson, McLague, Meunier, Patterson, Quinn, Richardson, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, Urquhart, Ward, White—38.

Noes—Baggs, Bielenberg, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Gilchrist, Godfrey, Hedges, Hill, Jones, Kilgallon, Madden, Martin, McCone, McIntire, Metlen, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Roland Shanley, Swindlehurst, Thoroughman, Wood, Mr. Speaker—30.

Mr Speaker ordered H B. No 8 referred to committee on Labor.

Motion by Hill that we take a recess for 15 minutes.

Motion Lost.

Moved by McDonald of Jefferson that the report of committees on Int. Improvements and State Boards and Officers be adopted.

Motion Carried.

Moved by Newton that the report of the internal improvement committee be adopted.

Substitute motion by Fitzpatrick that H B. No 27 be referred to printing committee.

Sub. Motion Carried.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 17 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Mr Speaker states that H. B. No. 17, will be placed on General orders.

READING OF H. BILLS, RESOLUTIONS AND MEMORIALS.

Moved by Dee that we take a recess until 2.30.

Motion Carried.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Jan. 23, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. William A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips—8.

For Frank—Courtney, Murray, Myers—3.

For Richardson—Connolly, Mahon—2.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For Conrad—Biggs, Stanton—2.

For Hoffman—Cullen, Warner—2.

For MacGinniss—Kennedy—1.

Absent and paired—Senators Clark and Worden—2.

The President ordered the Chief Clerk of the House, to call the roll of the House when the following vote was announced.



For Mantle—Baggs, Becker, Bielenburg, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Adkins, Berkin, Brein, Cram, Gilchrist, Hill, Kilgallan, Mad-den, Sullivan of Lewis and Clarke,, Toole, Urquhart, Ward, White, Corbett—14.

Richardson—Axtell, Connor of Cascade, Crawford, Jensen, Lannin, Lowney, Pelletier, Pendergrass, Quinn, Sanden, Sullivan of Silver Bow—11.

For Cooper—Martin, McTague, Metlen, Myers, Swindlehurst, Thoroughman, Wood—7.

MacGinniss—Cannon, Dee, Donaldson, Fitzpatrick, McDonald, Meunler, Rosman—7.

For Conrad—Baker, Geary, Hartwig, McDonnell—4.

For Hoffman—Fine—1.

For Breen—Ferry—1.

For Toole—MacGinniss—1.

For Gibson—Richardson—1.

Absent and not voting—Bourne—1.

The President announced the vote of the Joint Assembly as follows.

For Lee Mantle .....	30
“ H. L. Frank .....	17
“ T. F. Richardson .....	13
“ Walter Cooper .....	11
“ John MacGinniss .....	8
“ For W. G. Conrad .....	6
“ C. W. Hoffman .....	3
“ Peter Breen .....	1
“ J. K. Toole .....	1
“ Paris Gibson .....	1

(91)

Mr President announced no one having a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

2.30. P. M.

House Resumes

Mr Speaker in the Chair.

Roll Call

Quorum Present.

#### READING OF HOUSE BILLS.

H. B. No 47. By Dixon Read 1" and 2" time. Referred to Com. on Townships and Counties.

H. B. No. 48. By Hill. Read 1st and 2nd time. Referred to Com. on Appropriations.

#### MESSAGES FROM THE GOVERNOR.

Executive Office, Helena, Montana. January 22nd., 1901.

To the Speaker of the House of Representatives, State of Montana:—

Pursuant to your request to furnish your honorable body with an estimate of the amount that will be available for appropriations for the next two years, and consequently, the limit of appropriations to be made, I have the honor to submit the following, based upon the best information available for that purpose:

## ESTIMATE 1901.

Cash on Hand .....	\$ 80,000.00
To be Realized from Taxes (1901) .....	387,000.00
To be Realized from Licenses (1901) .....	150,000.00
To be Realized from Inheritance Tax (1900).....	50,000.00
To be Realized from State Officers (1901).....	80,000.00

Total .....\$747,000.00

This estimate allows \$1,500,000 for increase in assessments over the year 1900; against this revenue should be charged the following items already appropriated and estimated for:

Legislative Expenses, H. B. No. 15.....	\$ 60,000.00
Accruing Legislative Expenses .....	6,000.00
Executive Department .....	190,865.00
Deficiency Bills, heretofore transmitted .....	27,645.67
Maintenance of State Institutions .....	322,170.00
To furnish and Equip State Capitol Bldg .....	152,000.00
And Prepare Grounds for use .....	
Deficiency for Capitol Building, as shown by Report of Capitol Commission .....	27,165.26

Total .....\$785,845.93

For 1902 I estimate substantially the same revenue, to-wit.....\$747,000.00  
less estimated decrease in Inheritance Tax of \$45,000 .....\$702,000.00  
And the estimate of expenses for 1902 as follows:

## ESTIMATE 1902.

Executive Department .....	\$194,745.30
Deficiencies .....	30,000.00
Maintenance of State Institutions .....	323,139.00

Total .....\$547,884.30

## RECAPITULATION 1901.

Appropriated and Estimated Expenses for 1901.....	\$785,854.93
Estimate of Revenue to be Derived for 1901.....	747,000.00

Estimate of Appropriations over Constitutional Limitation.....\$ 38,845.93

It will be noted that in the foregoing statement of probable revenue, nothing was allowed for increase in licenses or fees of state officers. It is probable, however, that there will be some increase in these items, though it is not believed that the increase will be sufficient to counterbalance the excess over the constitutional limit above referred to.

This excess could be materially decreased if one-half of County Attorneys' salaries and sheriff's fees for transportation of prisoners, now charged to the state, were made a charge against the several counties, as heretofore recommended in my inaugural message.

These two items amount in the aggregate to about \$28,000.00.

Very respectfully,

J. K. TOOLE Governor.

Message was placed on file and 100 copies ordered printed and distributed among the members of the House.

## MESSAGES FROM THE SENATE.

Helena, Montana, January 23, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of the introduction of bills was (were) given as follows:

By Myers: A bill for an act to provide for the regular inspection of bonds of County and Township officials.

By Hobson: A bill for an act to amend Section 604 of Chapter I, Title III, Part IV, Division I of the Civil Code of the State of Montana.

Respectfully, C. A. WHIPPLE Secretary.

Helena, Montana, January 23, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

By Kennedy: Senate Bill No. 34. A bill for an act to amend Section 2211, of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain.

By Cullen: Senate Bill No. 35. A bill for an act to amend Sections 1737, 1742 and 1910 of the Political Code of the State of Montana relating to Public Schools; also Section 1756, Subdivision 15 of Section 1797, and Subdivision 3 of Section 1830, relating to Public Schools approved March 1897.

By Cullen: Senate Bill No. 36. A bill for an act to amend Sections 1700, 1772 and 1773 of the Political Code of Montana as amended by the Sixth Legislative Assembly to amend Sections 1771, 1774, 1775, 1776, 1778, 1780, 1784, 1785 and 1786 of the Political Code of Montana, as amended by the Fifth Legislative Assembly, said Sections having reference to the election of school trustees and to repeal Section 81 of the Political Code as amended by the Fifth Legislative Assembly.

By Cullen: Senate Bill No. 37. A bill for an act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19 and to repeal Sections 21 and 22 of Substitute for House Bill No. 69, approved March 3rd 1899, and renumber certain Sections of said Act.

By Meyer: Senate Bill No. 38. A bill for an act to repeal subdivisions 1, 2, 3, and 4 of Section 513 of the Code of Civil Procedure relating to the time for the commencement of actions in certain cases, and to declare that the act approved March 9, 1893 entitled an act to amend Section 42 First Division Code of Civil Procedure Compiled Statutes of Montana being section of the Code of Civil Procedure to be the law of this state.

By Meyer: Senate Bill No. 39. A bill for an act prescribing the method of assessment, collection and division of taxes received from any live stock brought into the state, or moved from one county to another for grazing purposes, and fixing the penalty for forfeiture for violation thereunder.

By Meyer: Senate Bill No. 40. A bill for an act to repeal Sections 1030, 1031, 1032, 1033 of the Civil Code relating to Foreign Corporations and to substitute in lieu thereof Sections 1, 2, and 3 of the act approved March 8th, 1893 entitled an act to provide the conditions upon which foreign corporations may do business in this state.

By Biggs: Senate Bill No. 41. A bill for an act to amend Sections 622, 624, 627 and 629 of the Political Code of Montana relating to the Board of Dental Examiners.

Respy

C. A. WHIPPLE Secy.

#### READING OF H. B.'S RESOLUTIONS & MEMORIALS.

Joint Memorial by Jensen was Read 1st and 2nd time and Referred to Com. on Federal Relations.

H. B. No. 49 Read 1st and 2nd time.

McTague moved that H. B. No 49. be indefinitely postponed.

A vote by roll call was taken which resulted as follows.

Ayes—Adkins, Becker, Bielenberg, Bourne, Dixon, Geary, Gregory, Hill, Lehman, Lowney, Madden, McDonnell of Deer Lodge, McTague, Metlen, Newberry, Patterson, Poole, Ward, White, Mr. Speaker—20.

Noes—Axtell, Baker, Berkin, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Hartwig, Hedges, Jensen, Jones, Kilgallan, Lannin, MacGinnis, Martin, McCone, McDonnell of Jefferson, McIntire, Meunier, Murray, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Wood—47.

H. B. No 49 Referred to Judiciary Committee.

House Bill No 50. was Read a 1st and 2nd time Referred to Committee on Privileges and Elections.

H. B. No 51. was Read a 1st and 2nd time and Referred to Committee on Agriculture and Stock.

H. B. No 52 was Read a 1st and 2nd time and Referred to Committee on Insurance.

H. B. No 53 was Read a 1st and 2nd time and Referred to Committee on Education.



H. B. No. 54 was Read a 1" and 2" time and Referred to Com. on Ways and Means.

H. B. No. 55. was Read a 1" and 2" time and Referred to Com. on Judiciary.

"Moved by Dee that we suspend the order of business, and return to "order of business No. 6".

Motion Carried.

#### READING OF SENATE BILLS.

On reading of Senate Bill No. 3., MacGinnis moved that the further reading of S. B. No 3 be discontinued and that the rules be suspended, and S. B. No 3 be read 1" and 2" time by Title.

Motion Carried unanimously.

S. B. No. 3 was read a first and second time and Referred to Committee on Townships & Counties.

S. B. No. 4. was Read a 1st and 2nd time and Referred to committee on Railroads and Transportation.

#### MOTIONS AND RESOLUTIONS.

Mr Speaker:—I move that the Speaker appoint a committee to draft appropriate resolutions concerning the death of Queen Victoria.

J. E. MARTIN

Motion Carried.

Helena, Mont. Jan'y 23, 1901

Mr Speaker—In view of the fact that House Bill No 1 introduced by Quinn has been in the hands of the Committee on Mines and Mining for several days and that said committee has made no report on same, I move you that the Bill above mentioned be withdrawn from the Committee on Mines and Mining and referred to the Committee on Labor. PELLETIER

Moved as a Substitute by Richardson that the Committee on Mines and Mining be requested to report on H. B. No 1 tomorrow at 11 o'clock A. M. Substitute Carried.

Helena, Montana, Jany 23rd 1901

Mr Speaker—I move you sir—that this House create the position of Asst. Door Keeper, which will enable the Doorkeeper to better handle the large Audiences that are daily in attendance here.

Substitute motion by Baker that the motion be laid on the table.

Substitute motion Carried.

I move that the Standing Committee No 6 on Agriculture and Stock be increased by the addition thereto of two members to be selected by the Speaker. So that Said Committee Shall Consist of nine members.

TOOLE

Motion Carried.

Moved by Metlen that we adjourn until 11. o'clock tomorrow A M Jan 24, 1901.

Motion Carried and Mr Speaker declared the House adjourned, until 11 o'clock tomorrow A M Jan. 24th, 1901

ROGER E. SKELLY

FRANK E. CORBETT Speaker

Chief Clerk

## EIGHTEENTH DAY

House of Representatives.

Helena Mont Jan 24, 1901.

House met pursuant to adjournment at 11. A M.

Mr Speaker in the Chair.

Roll Call.

Quorum Present

Prayer by Chaplain

Journal of previous day was read and approved.

Before proceeding with the order of business Mr Speaker announced



that in accordance with the instruction of the House he would appoint Metlen and Bielenberg additional members of Com. on Agriculture and Stock growing.

#### PRESENTATION OF PETITIONS.

Petitions were presented as follows

From F. L. Rezzell and 54 others We the undersigned petition your honorable (body) to use your utmost endeavor to defeat the passage of bill providing for the licensing of gambling and of gambling houses, introduced by Senator W. E. Tierney of Broadwater Co.

To the Speaker and Members of the House of Representatives of the 7th Legislative Assembly of the State of Montana:

I. H. L. Cram, member of the said House from the County of Lewis and Clarke, do hereby respectfully resign my position as a member of the Committee on Irrigation and Water Rights, No. 15, and I do hereby request that the Speaker appoint a member in my stead.

J. H. URQUHART

Moved by Hartwig that the resignation be accepted.

Motion Carried.

To the Speaker and Members of the House of Representatives of the 7th Legislative Assembly of the State of Montana:

I. H. L. Cram, member of the said House from the County of Lewis and Clarke, do hereby respectfully resign the position of Chairman of the Committee on State Institutions, No. 20, and I do hereby request that the Speaker appoint a member in my stead.

H L CRAM

Moved by Donaldson that the resignation be accepted.

Motion Carried.

#### NOTICES.

Notices of Introduction of Bills were given as follows:

By Faust: A Joint Memorial for the survey of certain lands in the Western part of Flathead County, Montana.

By Stull: A Bill for an act to relocate the Montana University, the Montana Agricultural College, the Montana State Normal School, the Montana School for Deaf and Dumb, and the Montana Orphans Home, or some of them, and consolidate the same at one place.

Also—A Bill for an act for the establishment of a Commission of three, by the Governor of the State, to select a suitable site for the establishment of a Public Insane Asylum.

(There being no objection the Notices were placed on file.)

#### REPT OF STANDING COMMITTEES.

Helena, Montana, January 23d, 1901.

Mr. Speaker. Your Committee on Towns and Counties have had under consideration Senate Bill No. 3, and House Bill No. 4, both entitled, "An Act to create the County of Powell, to define its boundaries, and provide for its organization and government, and to alter the boundaries of Deer Lodge County to conform to the boundaries of Powell County," and we do hereby recommend that said Senate Bill No. 3, be substituted for said House Bill No. 4:

And we do further recommend that said Senate Bill No. 3, do pass with the following amendment:—

In Section 11, after the words "three County Commissioners", strike out the following words, "one of which shall be elected for a term of four years, and two commissioners for a term of two years."

Respectfully submitted, J E MARTIN Chairman.

Moved by Gilchrist that the report of the Com. be adopted.

Motion Carried.

Helena, Montana, Jan. 24, 1901

Mr. Speaker.—Your Committee on Mines and Mining to whom was referred House Bill No. One (1) introduced by John J. Quinn, beg leave to report the following:

We recommend the striking out of the word "consecutive" in the second line of Section 1. Also the word "consecutive" in the fourth line of

Section 2. Also the striking out of the word "and," and the insertion of the word "or" in line three (3) Section 3.

We the committee on Mines and Mining to whom was referred House Bill No. 1, introduced by John J. Quinn, do recommend the above amendments, and with such amendments (that) the bill do pass.

T. S. KILGALLAN, Chairman.

Moved by Lannin that the House adopt the report.

Motion Carried, and House Bill No 1. was referred to printing Committee.

Moved by Gilchrist that the rules be suspended and the House go into a Com. of the whole to act on Senate Bill No 3.

Hedges raised the point of order that a bill can not be considered until printed.

Mr Speaker declared the point of order well taken and refers Senate Bill No 3 to printing committee.

Helena, Montana, Jan 24 1901

Mr Speaker Your Committee on Education to whom was referred House Bill No 53 introduced by Jensen entitled "A Bill for an act to amend Sections 1940A. and 1940B. of the Political code of Montana through Senate Bill No 44. approved March Stll 1897 in reference to general and special taxes for School purposes. and to repeal Section 1941 of the political code of Montana Beg leave to report the same back to the House and recommend its passage

JENSEN Chairman

Moved by Jensen that report be adopted be adopted and H. B. No 53 be referred to printing Com.

Motion Carried.

Mr. Speaker:—Your Committee on Military Affairs, to whom was committed House Bill No. 18, entitled "An Act to Repeal Section 2528, of the Political Code, providing for the assignment of pensions by inmates of the Soldiers Home," introduced by McIntire, beg to report that we have considered House Bill No. 18, and recommend that the same do pass.

McINTIRE Chairman.

(Motion by Faust that report be adopted and H. B. No 18 be referred to printing Com)

(Motion Carried.)

Helena, Montana, January 23 1901

Mr. Speaker:—Your Committee on Privileges and Elections to whom was referred House Bill No. 16, by A. Connor, Representative from Ravalli County, being a Bill for An Act Entitled "An Act to Amend Sections 1331, 1334 and 1337, Article 2, Chapter 8, Title 2, Part 3 of the Political Code of the State of Montana, relating to Primary Elections; also

House Bill No. 10, by Martin Dee, Jr., being a Bill for an Act entitled "An Act to Amend Section 1313, of Article 1, Chapter 8, Title 2, Part 3, of the Political Code of the State of Montana, Relating to Candidates and questions for the Elector, so as to enable Labor Unions, Associations of Persons or Deliberative Bodies, Organized for Industrial, Protective, Social or Benevolent Purposes, to Hold Conventions or Primary Meetings, for the purpose of Nominating Candidates for Public Office, and Prescribing the Manner in which Delegates to such Convention or Primary Meetings shall be Selected Under This Section; also

House Bill No. 11, by Martin Dee, Jr., being a Bill for an Act Entitled "An Act to Amend Sections 1354, 1357, 1358, 1359 and 1361, Chapter 9, Article 2, Title 2, Part 3 of the Political Code of the State of Montana, relating to ballots and voting and providing further protection for the voter while preparing his ballot and casting the same.

Respectfully report the same back, and recommend that they be referred to your Committee on Judiciary.

B. J. FINE, Chairman.

Moved by Martin that the report be adopted

Motion Carried.

Moved by Meunier that the House take a recess until 12. O'clock M.

Motion Lost.

Helena, Montana, January 24, 1901

Mr. Speaker:—Your committee on Printing, to whom was referred House Bill No. 30 report the same back as correctly printed. WHITE Chairman.  
Report adopted and House Bill No 30 placed on General Orders.

#### MESSAGES FROM THE SENATE.

The following messages from the Senate were received and read.

Senate Chamber. Helena Montana, January 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: Gruwell will on tomorrow or some subsequent day introduce a bill for an act to extend the boundaries of Yellowstone County and to alter the boundaries of Fergus and Meagher Counties to conform thereto.

Yours respectfully.

C. A. WHIPPLE Secretary.

Senate Chamber, Helena, Montana, January 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: Bills were introduced as follows:

By Tierney: Senate Bill No. 29. An act to license certain gambling games and to prohibit others and fixing penalties for violation thereof.

By Cullen: Senate Bill No. 30. A act to amend Sections 4644 and 4646, Chapter IV, Title II, Part IV, of the Political Code relating to the fees of jurors.

By Committee on Judiciary: Senate Bill No. 31. A bill for an act to amend Section 917 of the Political Code of the State of Montana relating to the official bond of a Notary Public.

By Conrow: Senate Bill No. 32. A bill for an act to amend Sections 2970 and 2972 Article III, Chapter V, Title VII, Part III, and Section 2990 Article IV, Chapter V, Title VII, Part III and Section 2944 Article I, Chapter V, Title VII, Part III and to repeal Section 2945, Article I, Chapter V, Title VII, Part III of the Political Code of the State of Montana.

By Anderson: Senate Bill No. 33. An Act to amend Section 451 of the Civil Code relating to annual reports of corporations.

Senate Chamber, Helena, Montana, Jan. 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: Senate Bills No. 3 and 4 have passed the Senate and are herewith transmitted for your concurrence.

Very respectfully.,

C. A. WHIPPLE Secretary

#### INTRODUCTION OF BILLS.

The following bills were introduced:

H. B. No. 56. By Quinn: A Bill for An Act to provide for the appointment of a State Fish and Game Commissioner and County Fish and Game Wardens, to define and regulate their powers and duties, to fix their compensation and to repeal Article X, Chapter V, Title VII of the Political Code of Montana, relating to Game and Fish Warden and Commission.

H. B. No. 57. By Rosman: A Bill for an act to amend Section 3671 of the Political Code of Montana, relating to the taxation of funds belonging to Benevolent Societies when the same are kept and used for the payment of sick, funeral and death benefits.

#### READING OF HOUSE BILLS.

H. B. No. 56. Read 1" and 2" time and Referred to Committee on Fish & Game.

H. B. No 57 Read a 1" and 2" time and Referred to Committee Judiciary.

Jan 24 1901

Mr Speaker. I move that H. B. No 29; be referred to Printing Com.

CONNOR of Ravalli.

Motion Carried.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Jan. 24 1901

The members of the Senate and House of Representatives of the State



of Montana were called to order in Joint Session by the President of the Senate at o'clock 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. William A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary (of the Senate) to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Courtney, Meyers, Warner—4.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For Hoffman—Mahon, Murray—2.

For MacGinniss—Kennedy—1.

For Conrad—Stanton—1.

For Spriggs—Connolly—1.

Absent and not voting—Clark, Cullen—2.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Adkins, Berkin, Brein, Cram, Crawford, Gilchrist, Hill, Killgallan, Madden, Pelletier, Pendergrass, Sullivan of Lewis and Clarke, Urquhart, Ward, White, Corbett—16.

For Cooper—Cannon, Martin, Metlen, Myers, Rosman, Swindlehurst, Thoroughman—7.

For MacGinniss—Axtell, Dee, Donaldson, Lannin, McDonnell, McDonald, Meunier, Quinn—8.

For Conrad—Baker, Connor of Cascade, Geary, Hartwig, Wood—5.

For Spriggs—Ferry, Jensen, Lowney, Sanden, Sullivan of Silver Bow—5.

For Hoffman—Fine, McTague—2.

For Toole—MacGinniss—1.

For Gibson—Richardson—1.

For Higgins—Toole—1.

For McHatton—Fitzpatrick—1.

Absent and not voting—Becker—1.

The President announced the vote of the Joint Session as follows.

For Lee Mantle .....	31
“ H. L. Frank .....	20
“ Walter Cooper .....	11
“ John MacGinniss .....	9
“ W. G. Conrad .....	6
“ A. E. Spriggs .....	6
“ C. W. Hoffman .....	4
“ John J. McHatton .....	1
“ J. K. Toole .....	1
“ Paris Gibson .....	1
“ Frank G. Higgins .....	1

Total ..... 91

The President announced no one having recieved a majority there is no election.

Moved by Connolly that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

Moved by Jensen that we do now adjourn until 2 P. M.



Substitute motion by Hill we do now adjourn until 2.30 P M.

Substitute Motion Lost.

Original Motion Lost.

Moved by Hartwig that we proceed with the regular order of business and when we do adjourn we do so until 11. o'clock A. M. tomorrow Jan 25, 1901

Substitute motion of Connor of Ravalli we adjourn until 10 o'clock A M. tomorrow Jan 25, 1901

Substitute Motion Lost.

Original Motion Carried.

Mr. Urquhart of Lewis & Clarke is appointed as Chairman of the Committee on State Institutions (No 20) to succeed Mr. Cram resigned.

Mr. Cram of Lewis and Clarke is appointed a member of the Committee on Irrigation No. 15 to succeed Mr. Urquhart resigned.

FRANK E. CORBETT Speaker

Moved by Toole that we do now adjourn until tomorrow in accordance with former motion of Hartwig.

Mr Speaker declared the House adjourned until 11. o'clock A. M. tomorrow Jan 25, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## NINETEENTH DAY

House of Representatives,

Helena Mont Jan 25, 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call.

Quorum Present

Prayer by Chaplain.

Journal of the previous day's session read and approved.

### PRESENTATION OF PETITIONS.

From E. W. Walling and 194 others Petitioning against licensing of gambling and gambling Houses.

Seven remonstrances from Custer Co aggregating the names of about 150 tax payers were read and referred to Com. on Townships and Counties. A petition from Louis Ballou and 14 others petitioning against any amendment of the Game Law requiring any person to procure a license for hunting.

Referred to Com on Fish and Game.

### NOTICES OF INTRODUCTION.

Notices of Introduction of bills were as follows:

By Faust: A Bill for an act entitled an act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to repeal all laws in conflict with the provisions of this act.

By Kilgallon: An act to amend Sections 1354, 1357, 1358, 1359 and 1361 of Chapter 9 of Article II, Title 2, of Part 3 of Political Code of the State of Montana, relating to ballots and voting, and providing further protection for the voter while preparing his ballot and casting the same.

By Jensen: A Bill for an act entitled an act providing for the submission to the Electors of the State of Montana, for their approval or rejection an amendment to Section 2, Article IX, of the Constitution of the State of Montana relative of the right of suffrage.

By Newberry: A Bill for an act appropriating money for the maintenance, extension and improvements of the State Reform School.

Notices were placed on file.

## REPORT OF STANDING COM.'S

January 25th, 1901.

Mr. Speaker: Your Committee on Federal Relations have Considered Joint Resolution No. two, and report the same back to the House with the recommendation that the same be adopted. J. MEUNIER Chairman.  
Joint Memorial No 2. Referred to printing Com.

Helena, Montana, Jan 25 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred Senate Bill No. Three as amended respectfully report the same back as properly printed.

F. B. AXTELL Acting Chairman.

Helena, Montana, Jan 25 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. One respectfully report the same back as properly printed.

F. B. AXTELL Acting Chairman.

H. B. No 1 and S. B. No. 3, placed on general orders.

Helena, Montana, Jan. 24, 1901.

Mr. Speaker:—Your Committee on Mines and Mining, to whom was referred H. B. No. 46 recommend that the bill be referred back to the "house" with recommendations that it do pass.

T. S. KILGALLAN, Chairman.

H. B. No 46, Referred to printing Com.

Helena, Montana, January 24, 1901.

Mr. Speaker: Your Committe on Agriculture and Stock, to whom was referred H. B. No. 40. By Ward:

A Bill for an act providing for the destruction of a Wild Grass known as Foxtail.

We respectfully report said Bill back to the House for an indefinite postponement.

R. P. THOROUGHMAN, Chairman.

There being no objection the report was adopted.

Helena, Montana, January 24, 1901.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 7. By Hedges:

A Bill for an act entitled an act appropriating certain money to the State Veterinary Surgeon, to be expended in making practical experiments in the inoculation of certain contagious diseases upon the wolves and coyotes in the State of Montana.

We respectfully report said Bill back to the House for an indefinite postponement.

R. P. THOROUGHMAN, Chairman.

There being no objection the report was adopted.

Helena, Montana, January 24, 1901.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 45. By Shanley:

A Bill for an act to provide an additional Section to be numbered 2958—to Article 2, of Chapter 5 of Part 3 of Title 7 of the Political Code, concerning the duties of the Board of Stock Commissioners.

We respectfully report said Bill back to the House with a recommendation that it do pass.

R. P. THOROUGHMAN, Chairman.

H. B. No. 45. Referred to printing committee.

Moved by MacGinnis we take a recess until 12. o'clock M.

Motion Carried.

Twelve o'clock M.

House Resumes.

Mr Speaker in the Chair.

The Honorable. the Senate entered the House. were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

House of Representatives.

Helena, Mont., Jan. 25 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. William A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger,, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Murray, Myers—5.

For MacGinniss—Kennedy, Mahon, Warner—3.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For Hoffman—Connolly, Cullen—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbury, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Cram, Gilchrist, Hill, Kilgallan, Madden, Rossman, Thoroughman, Toole, Urquhart, Ward, White, Corbett—17.

For MacGinniss—Dee, Donaldson, Hartwig, McDonnell, McDonald, Meunier, Quinn—7.

For Quinn—Axtell, Conner of Cascade, Crawford, Lannin, Lowney, Pelletier, Pendergrass, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow—11.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Conrad—Geary, Woods—2.

For Hoffman—Fine, McTague—2.

For Spriggs—Ferry, Jensen—2.

For Toole—MacGinniss—1.

For Peeler—Fitzpatrick—1.

The President announced the vote of the Joint Session to be as follows

Lee Mantle .....	32
H. L. Frank .....	22
J. J. Quinn .....	11
John MacGinniss .....	10
Walter Cooper .....	8
C. W. Hoffman .....	4
W. G. Conrad .....	3
A. E. Spriggs .....	2
D. R. Peeler .....	1
J. K. Toole .....	1

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The President announced that no one having received a majority of all the votes cast. There is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

Moved by Lannin we take a recess until 2.30 P. M.

Motion Carried.

2.30 P. M.

House Resumes.

Mr Speaker in the Chair.

Roll Call.



Quorum Present.

Reading of House Bills.

Moved by Baker we dispense with the 3rd reading of S. B. No. 3.

Substitute Motion by Richardson that we suspend the regular order of business and we take up order of business No 11.

Substitute Motion Carried.

Moved by Lannin that we go into a committee of the whole for the consideration of H. B. No. 17. H. B. No 1 and S. B. No 3.

Amendment by Jensen that H. B. No 12. be substituted for S. B. No 3

Amendment Lost.

Original motion Carried.

The House went into a Committee of the whole for the consideration of H. B. No 17. H. B. No 1 and S. B. No 3:

Fine in the Chair.

House Resumes.

Mr. Speaker in the Chair.

Report of the Committee of the Whole.

Fine Chairman of the Committee of the Whole made the following report.

Helena, Montana, January 25, 1901.

Mr. Speaker: The Committee of the Whole, having had under consideration House Bill No. 17, Senate Bill No. 3 and House Bill No. 1, have instructed me to report as follows:

IT IS MOVED AND RECOMMENDED

That House Bill No. 17, being a Bill for an Act entitled "An Act to Secure to Employes the Payment of their Wages in Lawful Money of the United States, and Prescribing a Penalty for the Violation Thereof" be passed as amended; also

That Senate Bill No. 3, for an Act to Create the County of Powell, to define its Boundaries, to Provide for its organization and Government, and to Alter the Boundaries of Deer Lodge County to conform to the Boundaries of Powell County, be concurred in as amended; also

That House Bill No. 1, being a Bill for an Act entitled "An Act for the Protection of the Health of men employed in Underground Mines and in Smelters, Stamp Mills, Sampling Works, Concentrators, or any Works where Ores are Mined or Reduced, by Regulating their Hours of Employment and Providing Penalties for the Violation Thereof" be passed as read.

All of which is respectfully submitted.

B. J. FINE Chairman.

Moved by Toole that the rules be suspended and House Bill No. 1. be placed on its Final Passage.

Amended by MacGinniss that the rules be suspended and House Bill No. 1 be considered engrossed and be now placed on its final passage.

Amendment Carried House Bill No. 1 was read the third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Doulan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallan, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—70.

Noes—None.

The Speaker announced that House bill No 1 had passed unanimously and it be sent to the Senate.

House Bill No. 17. was referred to the engrossing Committee.

Moved by Faust that we adjourn until tomorrow at 11 O'clock. Motion Lost.

The following motion was read

Mr Speaker owing to the fact that the Seventh Legislative Assembly having kept their pledge to the people of the State by voting for House



Bill No 1 known as the Eight Hour Law in respect to their memory I move we do now adjourn until 10 o'clock tomorrow A. M. the 26th

CHAS. LANNIN.

Motion Lost.

Moved by Toole that the rules be suspended and S. B. No. 3. be considered correctly engrossed and be read a third time and placed on its final passage.

Substitute Motion by McTague That S. B. No. 3 go to the engrossing Committee Substitute motion Carried.

Moved by Metlen that Lannin's motion to adjourn read 11 O'clock instead of 10. Motion Carried.

Moved by Gilchrist that the title of Said Motion of Lannin be stricken out "in respect to the memory of".

Motion Carried.

Moved by Baggs that we strike out all pertaining to Lannin's motion except that part where it reads that we adjourn until 11 O'clock Tomorrow.

Motion Carried.

And the Speaker declared the House adjourned until 11 O'clock A. M. Tomorrow Jan 26th 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## TWENTIETH DAY

House of Representatives,,

Helena Mont Jan 26, 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

Journal of the previous day was read and approved.

Be it resolved that the Senate is hereby invited to meet with the House in joint session at twenty minutes to twelve o'clock to the end that voting for U. S. Senator may commence promptly at noon, and an opportunity be given members who may desire to do so, to take the west bound train.

TOOLE.

The resolution was adopted as read.

### PRESENTATION OF PETITIONS.

A petition from Wayne Newell and 11 others against the division of Custer Co.

Referred to Com on Townships & Counties.

A remonstrance from W. B. Cook and 115 others in regards to repealing the law of gambling and gambling houses.

The remonstrance was placed on file.

### NOTICES OF INTRODUCTION.

Notices of introduction of Bills were as follows:

By Gilchrist: A Bill for an Act, entitled "An Act providing for the submission to the Electors of the State of Montana for their approval or rejection. An amendment to Section 10, Article IX, of the Constitution of the State of Montana. Relative to the qualifications of women holding office."

By Fitzpatrick: An Act, entitled, "An Act to amend Section seven and nine of an Act of the Sixth Legislative Assembly of the State of Montana, entitled an Act to create the Montana State Board of Horticulture, to prescribe its powers and duties, and to appropriate money therefor.

### REPORTS OF STANDING COMMITTEES.

Mr Speaker Your Committee on Ways & Means has appointed Wm S. Goodyear Clerk.

MacGINNISS Chairman.

Moved by MacGinnis that the report be adopted and the recommendation be concurred in.

Motion Carried.

Messages from the Senate were as follows.

Helena, Montana, January 25, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 47. by Tierney: A bill for an act to repeal an act approved March 16th, 1895, whose provisions constitute Section 4061 of Article 2, Chapter 13, Title 10, Part 3 of the Political Code of the State of Montana, relating to taxation of State Banks.

Senate Bill No. 48. By Tierney: A bill for an act to amend Section 491 of Part 3, Title 1, Chapter 3, Article 11 of the Political Code of the State of Montana, relating to the duties of the State Examiner.

Senate Bill No. 49. By Meyer of Carbon. A bill for an act to amend Section 2131, Part III, Title IV, Chapter II, of the Code of Civil Procedure, relating to Mechanics Liens.

Resyp

C. A. WHIPPLE Secy

Helena, Montana, January 25, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of Introduction of Bills were given as follows:

By Myers of Ravalli County: An Act defining the liability of Railway Companies operating in this state to their employees for injuries sustained while in the performance of their duties.

Respectfully,

C. A. WHIPPLE Secretary.

Mr. Speaker as a decision by the Attorney General to the effect that a Certain Part in Section 3 of H. B. No. 17 will not stand a Constitutional test

I move that it be replaced on General orders for further Consideration.

CHAS. LANNIN

Motion Carried.

Mr Speaker. I move that it be the sense of this house that the Chief Clerk be directed to call the attention of the chairman of the state furnishing board to the provision of House bill No. 4, page 58, Session Laws of 1897, relating to the use of the Typographical Union label, and request that in the future the same be enforced.

JOHN BAKER

Motion Carried.

Mr. Speaker:—I move that the Committee on Railroads and Transportation, being Committee No. 19, be by this House authorized to be increased so that the same shall consist hereafter of eleven members instead of nine members as at present constituted, and that the Speaker of the House be authorized to appoint two additional members of the House so to increase the said Committee.

BERKIN Chairman Railroads & Transportation.

Motion Carried.

## JOINT SESSION.

House of Representatives.

Helena, Mont., Jan. 26th 1901.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

Moved by Richardson that it is the sense of this Assembly that the clock is 17 minutes slow and we proceed to ballot for a United States Senator.

Motion Carried.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. William A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—8.

For Frank—Biggs, Courtney, Murray, Myers, Warner—5.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For Conrad—Mahon, Stanton—2.

For Hoffman—Connolly, Cullen—2.

For MacGinniss—Kennedy—1.

Absent and paired—Senators Clark & Hobson.

The President ordered the Chief Clerk of the House to call the roll of the House, when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, McCone, McIntire, Murray, Newbury, Newton, Roland, Shanley, Stull—20.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Cram, Gilchrist, Hill, Kilgallan, Madden, Rosman, Pendergrass, Sullivan of Lewis and Clarke, Thoroughman, Toole, Urquhart, Ward, White, Corbett—19.

For MacGinniss—Axtell, Conner of Cascade, Donaldson, Hartwig, Lannin, McDonald, Meunier, Pelletier, Quinn, Richardson, Sanden—11.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Conrad—Geary, McDonnell, Woods—3.

For Spriggs—Ferry, Jensen, Lowney—3.

For Hoffman—Fine, McTague—2.

For Toole—MacGinniss—1.

For Peeler—Fitzpatrick—1.

Absent and Paired—Dee, Dixon, Sullivan of Silver Bow, Lehman, Crawford, & Patterson—6.

The President announced the vote of the Joint Assembly to be as follows.

For Lee Mantle .....	28
" H. L. Frank .....	24
" John MacGinniss .....	12
" Walter Cooper ..	8
" W. G. Conrad .....	5
" C. W. Hoffman .....	4
" A. E. Spriggs .....	3
" J. K. Toole .....	1
" D. R. Peeler .....	1

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The President announced no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

#### NOTICES.

To the members of the House of Representatives of the Seventh Legislative Assembly, State of Montana

The Speaker announces to the house that he appoints to fill the vacancies existing upon Committee No. 19—Committee on Railroads and Transportation in accordance with motion passed today the following members W. G. Fitzpatrick of Flathead, and John Bielenberg of Deer Lodge

January 26th 1901.

FRANK E. CORBETT Speaker.

#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 26th, 1901

Mr. Speaker:—We your Committee on Engrossment report that we have correctly engrossed and delivered to the Chief Clerk, Senate Bill No. 3, and House Bill No. 17.

B. F. MYERS Chairman.

Moved by Gilchrist that the report be adopted.

Motion Carried.



Helena, Montana, Jan 26 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 23 and Substitute H. B. No. 23 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

There being no objections H. Bills No's 23 and substitute H. B. No 23 were placed on General orders.

Helena, Montana, Jan 25 1901.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill Nos. 9, 18, 27, 41, and 38, respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

There being no objection H. B. No's 9, 18, 27, 41, and 38, were placed on general orders.

Helena, Montana, Jan. 25. 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 25 and No. 21 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

(There being no objections H. B. No. 25 and 21. were placed on general orders.)

### MOTIONS AND RESOLUTIONS.

#### CONCURRENT RESOLUTION NO. ....

RESOLVED, That a Commission without compensation is hereby raised consisting of the Governor, the Lieutenant Governor, the Secretary of State, and the Speaker of the House of Representatives whose duty it shall be to design a device for a new Seal, Coat of Arms, and Motto for the State of Montana, and to report the same to the two Houses of the Legislative Assembly on or before February 20th, 1901, for their action thereon.

STULL.

Moved by Stull that the resolution be adopted as read.

Amendment by Kilgallon that the resolution be laid over until 11 o'clock Monday Jan 28. 1901

Amendment Carried.

#### RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SPECIAL COMMITTEE OF THIS HOUSE TO BE KNOWN AS THE COMMITTEE ON CONTINGENT EXPENSES.

WHEREAS, it appears that the Committee on Privileges and Elections is so circumstanced as to be unable to carry on its affairs and to pass upon the questions of contests submitted to such Committee on account of inability to obtain the attendance of witnesses, which inability arises by reason of the fact that funds are not available to pay for transportation and per diem of witnesses upon such contests; and

WHEREAS, it appears that the Committee on Privileges and Elections and lawful determination of contests which have been submitted to such Committee on Privileges and Elections.

NOW THEREFORE, BE IT RESOLVED that this House authorize the appointment by the Speaker of a committee to be known as the Committee on Contingent Expenses.

FINE

Chairman Committee on Privileges and Elections.

By motion the resolution was adopted.

Mr Speaker appoints B. J. Fine, J. E. Martin & D. E. Metlen.

Mr Speaker appoints Meunier, Fine and Hedges a Committee of three to draft resolutions of condolence in respect of Queen Victoria.

Helena, Montana, January 25 1901

Mr. Speaker:—The following pairs on U. S. Senator are hereby arranged for Saturday January 26 and Monday January 28th. 1901.

MARTIN DEE Jr—JOS. M. DIXON

F. G. SULLIVAN—A. B. LEHMAN

and the following pair for Saturday January 26. 1901.

W. CRAWFORD—J. F. PATTERSON

There being no objection Jensen was excused until Monday Jan 28. 1901 by Mr Speaker.

Moved by Toole we do now adjourn until 11. A. M. Monday Jan 28. 1901.  
Motion Carried.



Mr Speaker declares the House adjourned until 11. A. M. Monday Jan 28, 1901  
 ROGER E. SKELLY Chief Clerk  
 FRANK E. CORBETT Speaker.

## TWENTY-SECOND DAY

House of Representatives.

Helena Mont Jan 28, 1901

House met pursuant to adjournment at 11. (o'clock) A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous session was read and approved with the following correction: that Baker's motion be inserted.

Moved by Swindlehurst that further consideration of Stull's Resolution be postponed.

Motion Carried.

### NOTICES.

Notices of the introduction of Bills were as follows

By Baggs: A Bill for an act to amend an act to provide for the election of road supervisors, to define and regulate their powers and duties, to fix their compensation, and to repeal an act entitled an act to define the powers and duties of County Surveyors and provide for their compensation, and to abolish the office of Road Supervisor.

Approved March 4, 1897; approved March 3, 1899.

Helena, Montana. January 28, 1901.

To the Speaker and Members of the House of Representatives of the Seventh Legislative Assembly of Montana.

Gentlemen: The obligations I owe to my church require me to be absent from the city the next three weeks. I have engaged the Rev. S. B. Tabor, of Bozeman, to perform the duties of chaplain during my absence, therefore, I request a leave of absence for the time specified and approval of the arrangement made with Mr. Tabor.

D. B. PRICE Chaplain.

Moved by Hedges that the request of the Chaplain be granted.

Motion Carried.

### THIRD READING OF SENATE BILLS.

Senate Bill No 3. Read third time. Placed on its final passage, and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Craan, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—65.

Nays—None.

Absent—Crawford, Dee, Dixon, Jensen and McDonnell of Jefferson—5.

Mr Speaker declared S. B. No (3) Concurred in as amended and instructed the Chief Clerk to transmit S. B. No 3. to the Senate for concurrence in the amendment.

Moved by Fine that we take a recess until 12 o'clock M.

Motion Carried.

12 o'clock M.

House Resumes.

Mr Speaker in the Chair.

The Honorable, the Senate enters the House, were received and the

Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

### JOINT SESSION.

House of Representatives.

Helena, Mont., Jan. 29, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the (Senate and) House respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Resignation of Hon. William A. Clark, in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—8.

For Frank—Biggs, Courtney, Murray, Myers, Warner—5.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy, Mahon—2.

For Hoffman—Connolly, Cullen—2.

For Conrad—Stanton—1.

Absent and Paired—Clark and Hobson—2.

The President ordered the Chief Clerk of the House to call the roll of the House and the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, McCone, McIntire, Murray, Newbury, Newton, Patterson, Roland, Shanley, Stull—21.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Cram, Gilchrist, Hill, Kilgallon, Madden, Rosman, Pendergrass, Sullivan of Lewis and Clarke, Urquhart, Ward, White, Corbett—17.

For MacGinniss—Axtell, Donaldson, Hartwig, Lannin, Meunier, Pelletier, Sanden—7.

For Cooper—Fitzpatrick, Martin, Metlen, Myers, Swindlehurst, Thoroughman—6.

Conrad—Connor of Cascade, Geary, McDonnell, Woods—4.

For Hoffman—Fine, McTague, Toole—3.

For Clancy—Ferry, Lowney, Quinn, Sullivan of Silver Bow—4.

Toole—MacGinniss—1.

Absent and Paired—Crawford, Dee, Dixon, Jensen, Lehman, McDonald, Richardson—7.

The President announced the vote of the Joint Session as follows.

For Lee Mantle .....	29
H. L. Frank .....	22
Walter Cooper .....	10
John MacGinniss .....	9
W. G. Conrad .....	5
C. W. Hoffman .....	5
William Clancy .....	4
J. K. Toole .....	1
Total .....	85

Mr President declared that no one having received a majority of the votes cast there is no election.

Moved by Senator Kennedy that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Moved by Baker that the House take recess until 2.30 P. M.

Amendment by Toole that we adjourn until 11. A. M. tomorrow Jan 29th 1901.

Amendment Carried.

Mr Speaker declared the House adjourned until 11. A. M. tomorrow Jan 29th 1901.

ROGER E. SKELLY Chief Clerk.

FRANK E. CORBETT Speaker

## TWENTY-THIRD DAY

House of Representatives.

Helena Mont Jan 29, 1901

House met pursuant to adjournment at 11. o'clock A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain

The Journal of the previous day was read and approved.

### PRESENTATION OF PETITIONS.

A Petition from R. S. Ford and 45 other citizens of Great Falls was read asking the Seventh Legislative Assembly to pass a law to legalize the practice of Osteopathy in the State of Montana.

Referred to Committee on Internal Improvements.

### NOTICES.

Notices of introduction of Bills were as follows:

By Murray: A Bill for an act prohibiting the manufacture, sale or free distribution of cigarettes or cigarette papers.

By Bielengerg: A Bill for an act to amend Sections 953, 954, and 958 of the Political Code of Montana relating to the killing and injury of live stock by Railroads and for the recovery of damages for animals so killed or injured.

By Adkins: A Bill for an Act appropriating to J. M. Page, the sum of Six Hundred and eighty-five Dollars and eighty-four cents (\$685.84) for services rendered the State of Montana as State Land Agent from August 7th, 1897, to October 25th, 1897, inclusive.

By Shanley: A Bill to amend Section 1510 of the Code of Civil Procedure relating to the service of summons.

By Rosman: A Bill for an Act providing for the granting of options by Guardians upon Mining Claims, and for the sale and conveyance of the same pursuant to the terms thereof.

Helena, Montana, Jan 29th, 1901

Mr. Speaker: The Chairman of the Internal Improvements Committee beg leave to report back to the House, H. B. No. 6 without recommendation.

(Respectfully)

T. F. RICHARDSON Chairman

Moved by Hedges that H. B. No 6 be referred to printing Committee with orders that it be printed.

Motion Carried.

Helena, Montana, January 28, 1901.

Mr. Speaker: Your Committee on State Lands, to whom Joint House Memorial No. 1, by McIntyre was referred, have considered the same and respectfully report the said (Joint House Memorial) back to the House with a recommendation that it do pass.

GEORGE R. WOOD, Chairman.

Report adopted and Joint House Memorial referred to printing Committee.

Helena, Montana, January 28, 1901.

Meeting called to order by Chairman at 3:10 P. M. Roll call. Absent Dec. Wood. Quorum present.

Senate bill No. 4 read with amendment, attached to line No. 4

Moved by Mr. Rosman that amendment to bill be made to read as follows: Provided that none of the provisions of this act shall apply to



rates and charges for travel to or from points outside of the State of Montana. Motion by Toole that the Committee report Senate Bill No. 4 back to the House with recommendation that it do pass as amended.

House bill No. 19. was then taken up and considered, and motion by Mr. Roland that bill be referred back to the House with recommendation that it do pass—carried.

House bill No. 26 and 44 were taken up and considered. Motion by Richardson remain in the hands of the committee until next meeting. Motion carried.

JOHN BERKIN

Chairman of Committee on Railways & Transportation.  
Report was adopted and S. B. No 4, as amended and H. B. No 19. was referred to printing Committee.

Helena, Mont., Jan. 28, 1901.

Pursuant to the call of chairman, Rosman, the committee on Highways met at three thirty this day. Present Rosman, Cram, Newbary, McDonnell, Godfrey, Myers, and Stull. Stull was elected temporary secretary. On motion of Cram the committee recommended to the House the name of Helen I. Kelly as clerk of said committee. No further business appearing. adjourned subject to the call of the chairman.

ROSMAN Chairman

Moved by Hedges that the report be adopted and the recommendation be concurred in.

Motion Carried.

Mr. Speaker:—Your Committee on Incorporations other than Municipal have had under consideration House Bill No. 42 introduced by the Committee on Mines and Mining for an act creating the office of Deputy Inspector of coal mines, and we recommend that the same be printed and brought up in regular order before the House.

J. E. MARTIN Chairman.

Report was adopted and H. B. No 42 referred to printing Committee.

Helena, Montana, Jan. 28, 1901.

Mr. Speaker:—Your Committee on Judiciary to whom was referred H. B. No. 55. Entitled 'A Bill for an Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 4 of Article 16 of the Constitution, relating to County Commissioners' beg leave to report same back with the recommendation that it do pass.

M. P. GILCHRIST Chairman Judiciary Committee.

Report adopted and H. B. No 55, referred to printing Committee.

Helena, Montana, Jan. 28, 1901.

Mr. Speaker:—Your Committee on Judiciary to whom was referred H. B. No. 24, Entitled 'A Bill for an Act providing for Amended location of mining claims and for the filing of amended declaratory statement of Mining Claims, 'Beg leave to report same back with the recommendation that it do pass.

M. P. GILCHRIST Chairman Judiciary Committee.

Report was adopted and H. B. No 24 referred to printing Committee.

Helena, Montana, Jan. 29 1901

Mr. Speaker: Your Committee on Printing, to whom was referred House Bills Nos. 53, 29, 46, 45, No. 3, and Joint Concurrent Resolution No. 2, and the Joint Rules of the Senate and House, beg leave to report the same back as properly printed.

GEO. F. WHITE Chairman.

Report was received and H B's No's 53, 29, 46, 45, and 3, and Joint Concurrent Resolution No. 2, were placed on general orders;

Helena, Montana, Jan. 28, 1901.

Mr. Speaker:—Your Committee on Judiciary to whom was referred H. B. No. 39. Entitled "An Act" providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Section 6, Article 13, of the Constitution of the State of Montana relative to the indebtedness of cities; beg leave to report same back with recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report was adopted and H. B. No 39, was referred to printing Committee.

Helena, Montana, Jan. 28, 1901

Mr. Speaker:—Your Committee on Judiciary to whom was referred H. B. No. 49. Entitled 'An Act for a Bill to amend Section 2246, 2244, (2248) 2250, 2251, 2252, 2253, 2254, 2256, 2257 and 2325 of the Penal Code in refer-



ence to the execution of judgments in Criminal Cases' beg leave to report the same back with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report was adopted and H. B. No 49. was referred to printing committee.

Helena, Montana. Jan. 28, 1901.

Mr. Speaker:—Your Committee on Judiciary to whom was referred H. B. No. 57. Entitled 'A Bill for an Act to amend Section 3671 of the Political Code of the State of Montana, relating to the taxation of funds belonging to benevolent societies when the same is kept and used for the payment of sick, funeral and death benefits.' beg leave to report the same back with the recommendation that action (on) same be indefinitely postponed.

M. P. GILCHRIST Chairman.

Moved by Baggs that the report be adopted and H. B. No 57 be indefinitely postponed.

Moved by Kalgallan and seconded by Richardson that the roll be called Upon the roll being called the Motion was lost by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Cram, Crawford, Faust, Fine, Gilchrist, Hill, Madden, Martin, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Roland, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—31.

Noes—Adkins, Axtell, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Dixon, Donaldson, Donlan, Ferry, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, McCone, Murray, Pelletier, Pendergrass, Quinn, Richardson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Urquhart, Ward—36.

Absent—Dee, Sullivan of Silver Bow and Bourne—3.

Moved by Connor of Cascade that H. B. No. 57 be referred to committee on Corporations other than municipal.

Motion Carried.

Moved by Corbett that we take a recess until 12 o'clock Noon.

Motion Carried.

12. o'clock Noon.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena Mont. Jan. 29 1901

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at o'clock 12 M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the resignation of the Honorable W. A. Clark. in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—8.

For Frank—Courtney, Murray, Myers, Warner—4.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy—1.

For Hoffman—Connolly, Cullen—2.

Conrad—Stahton, Mahon—2.

Preuitt—Biggs—1.

Absent and Paired—Clark, Hobson—2.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bienenberg, Brownlee, Conner of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—21.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Gilchrist, Hill, Kallagan, Madden, Rosman, Sullivan of Lewis and Clarke, Urquhart, White, Corbett—14.

For MacGinniss—Axtell, Cram, Donaldson, Hartwig, McDonald, Meunier, Ward—7.

For Pelletier—Conner of Cascade, Crawford, Lannin, Lewney, Pendergrass, Quinn, Richardson, Sanden—8.

For Cooper—Fitzpatrick, Martin, Metlen, Myers, Swindlehurst, Thorougman—6.

For Conrad—Geary, McDonnell, Wood—3.

For Hoffman—Pine, Pelletier—2.

For Toole—MacGinniss, McTague, Toole—3.

For Clancy—Ferry—1.

For Spriggs—Jensen—1.

Absent and Paired—Bourne, Dee, Murray, Sullivan of Silver Bow.

The President announced the vote of the Joint Assembly as follows

Lee Mantle (Rep.)	29
H. L. Frank (Dem.)	18
Walter Cooper (Dem.)	10
John MacGinniss (Dem.)	8
F. J. Pelletier (Labor)	8
W. G. Conrad (Dem.)	5
C. W. Hoffman (Dem.)	4
J. K. Toole (Dem.)	3
William Clancy (Pop.)	1
W. G. Preuitt (Dem.)	1
A. E. Spriggs (Pop.)	1

(88)

Mr President announced that no one having received a majority of all the votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Moved by Baggs that the House take a recess until 2.30 o'clock P. M.

Motion Carried.

2.30 o'clock P. M.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

#### REPORT OF SELECT COMMITTEES.

Helena, Montana, January 29, 1901.

To the Honorable House of Representatives, of the Seventh Legislative Assembly of the State of Montana.

Gentlemen:—As expressive of our individual sentiments, and as we believe, responsive to the universal sentiments of our constituents, we desire to place on record our tribute of respect to the Queen of England and Empress of India, recently deceased, after a long, glorious, and prosperous reign.

In addition to her womanly virtues as wife and mother, her influence on the social life of court, commons and people was pure and exalting.

As a ruler, while interfering little with the policies of cabinets, there were times when her influence was decisive for peace when her ministers had resolved upon measures of war.

The American people have reason to cherish her memory with gratitude. Trusting that her successor may follow her pacific and noble example, we extend our hearty sympathies to Edward VII, the royal family, and the great English people; our own kith and kin, among and between whom, in all its branches, may peace ever reign.

Committee to Draft Resolutions.

HEDGES.

Moved by Baker that the report be adopted and the Committee be discharged.

Motion Carried.

#### READING OF HOUSE BILLS.

the following House Bill was read a first and second time:

H. B. No. 58 by Newbury; read a first and second time.

Referred to Committee on Appropriations and State Institutions.

H. B. No. 59 by Kilgallon, read a first and second time..

Referred to Committee on Judiciary.

#### MESSAGES FROM THE SENATE.

Helena, Montana, January 24, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of the introduction of bills were given as follows:

By Tierney: A bill for an act to amend Section 461 of the Political Code of the State of Montana, relating to the duties of the State Examiner.

By Tierney: A bill for an act to repeal Section 4061 of the Political Code, relating to taxation of State Banks.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, Jan. 24, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:—

Senate Bill No. 42. By Myers: A Bill for an act to provide for the regular inspection of bonds of counties and township officials.

Senate Bill No. 43 By Hobson. A Bill for an Act to amend Section 604 of Chapter 1, Title 3, Part 4, Division 1, of the Civil Code of the State of Montana.

Senate Bill No. 44. By Gruwell: An Act to extend the boundaries of Yellowstone County and to alter the boundaries of Fergus County and Meagher County to conform thereto.

Senate Bill No. 45. By Stanton: A Bill for an Act providing for a meat and milk inspector in cities having 5000 inhabitants or over within the State of Montana, and prescribing the duties and powers of such inspector, and to regulate the sale of meat and milk and live domestic animals intended for food purposes and prescribing penalties for the violation of the provisions of this Act.

Senate Bill No. 46. By Stanton: A Bill for an Act to provide the conditions upon which foreign corporations may do business in this State, and to repeal Sections 1030, to 1038 inclusive of the Civil Code of Montana.

Respy

C. A. WHIPPLE Secy

Helena, Montana, January 28th. 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following bills were introduced:

S. B. No. 53. By Geiger. A bill for an act entitled an act to extend the boundaries of Flathead County and to alter the boundaries of Missoula County to conform thereto.

S. B. No. 54. By Myers. A bill for an act entitled an act defining the liability of railway companies operating in this state to their employees for injuries sustained while in the performance of their duties.

S. B. No. 55. By Judiciary Committee. A bill for an act to create the Twelfth Judicial District of the State of Montana to be comprised of the Counties of Choteau and Valley, and providing for the appointment of a Judge thereof.

C. A. WHIPPLE Secretary.

Helena, Montana, January 28th 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of the following bills were given:

By Kelly: An act to amend part I, 2, 3 and 4 of an act of the Sixth



Legislative Assembly of the State of Montana, entitled an act to protect the owner of horses and to cause the inspection of the same.

By Meyer of Carbon: An act to prevent any person operating a coal mine on the bank of a stream containing fish or the waters of which are used for domestic purposes or for irrigation from depositing coal slack or other refuse from said coal mine in the said stream and providing penalties therefor.

Also, Senate Joint Memorial: Praying for legislation opening up for settlement certain segregated and isolated tracts formerly being a part of the Crow Indian Reservation and commonly known as allotments, and which have not been hitherto selected by any Indian in severalty.

C. A. WHIPPLE Secretary.  
January 26th, 1901

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that notices of the introduction of bills were given as follows:

By Geiger: An Act to extend the boundaries of Flathead County and to Alter the boundaries of Missoula County to conform thereto.

C. A. WHIPPLE Secretary.  
January 26th.

Mr. Speaker:—I am directed by the Senate to inform your Honorable body that the following bills were introduced:

S. B. No. 50. By Committee on Judiciary. An act to amend sections 2495 and 2496 of Article 3 of part 4 of division 3 of the Civil Code of the State of Montana relating to storage.

Also, S. B. No. 51. An Act to amend Section 2834 of article 3 of part 4 of division 3 of the Civil Code of the State of Montana relating to bills of lading.

S. B. No. 52. By Meyer of Carbon. An act to permit amended and additional declaratory statements of locators of mining claims to be filed and to validate amended and additional declaratory statements of location of mining claims heretofore filed.

C. A. WHIPPLE Secretary.

#### NOTICES OF INTRODUCTION.

The following bills were introduced:

H. B. No. 58, by Newbury: A bill for an Act appropriating money for the maintenance, extension and improvement of the State Reform School.

H. B. No. 59, by Kilgallon: An Act to amend Sections 1354, 1357, 1358, 1359, and 1361 of Chapter 9, Article 2, of Title 2, of Part 3 of the Political Code of the State of Montana, relating to ballots and voting, and providing further protection for the voter while preparing his ballot and casting the same.

#### MOTIONS AND RESOLUTIONS.

Helena, Montana, Jan. 29 1901

Mr Speaker. I move Sir, that the consideration in Committee of the Whole, of H. B. No. 3 by Stull, be made a special order of business for 2.30 o'clock next Friday afternoon, Feb. 1st.

HEDGES.

Motion Carried.

Helena, Montana, Jan 29<sup>th</sup> 1901

Mr. Speaker: I move that the Judiciary Committee be increased from nine to eleven members, and that the Speaker appoint two additional members for that committee.

TOOLE

Motion Carried.

I move that the Governor's message received at opening of this assembly be taken up and apportioned by Speaker to various standing Committees so that proper action may be taken on his recommendations.

MacGINNIS

Motion Carried.

There being no objection Stull was excused from the morning Roll Call.

Helena, Montana, Jan. 29th 1901

Mr. Speaker I move that the House do now resolve itself into Committee of the Whole for the consideration of H. B. 17, H. B. 12 and H. B. 38.

HEDGES.

Motion Carried.



## COMMITTEE OF THE WHOLE.

The House resolved itself into the Committee of the Whole for consideration of H. Bs. No's 17, 12, and 38.

Baker in the Chair.

House Resumes

MacGinnis in the Chair.

## REPORT OF (THE) COMMITTEE OF THE WHOLE.

Baker Chairman of the Committee of the whole made the following report.

Mr Speaker, The Committee of the whole, having had under consideration House Bills No's 17, 12, and 38 have instructed me to report as follows.

It is moved and recommended.

That House Bill No. 17. be passed as amended; Also

House Bill No 12 be passed as amended. Also:

House Bill No 38 be passed as amended.

All of which is respectfully submitted.

BAKER Chairman.

Report adopted and House Bills No. 17, 12 and 38 ordered engrossed.

Moved by Berkin that when the House adjourns we stand adjourned until 10 o'clock tomorrow Jan 30 1901

Amendment by Toole we adjourn until tomorrow at 11 o'clock

Amendment Lost

Original Motion Carried.

Mr. Speaker declares the House adjourned until tomorrow at 10 o'clock Jan 30 1901

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## TWENTY-FOURTH DAY

House of Representatives.

Helena Mont Jan 30 1901

House met pursuant to adjournment at 11 o'clock A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by Chaplain.

The Journal of the previous day was read and approved. Ward wished to be placed on record as being opposed to the resolution of Condolence to Queen Victoria.

Moved by Baker that we suspend the rules and that Baker be allowed to introduce a motion.

The Rules were suspended by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Gilchrist, Godfrey, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, Martin, McCone, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Rosman, Sanden, Shanley, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Urquhart, Ward, White, Woods, Mr. Speaker—54.

Noes—Connor of Ravalli, Geary, Madden, McDonnell of Deer Lodge, McTague, Roland, Toole—7.

Absent and not voting—Bourne, Dee, Dixon, Fitzpatrick, Gregory, McGinnis, Stoll, Murray, Sullivan of Silver Bow—9.

Mr. Speaker: I move to change the order of business of this house as follows:

Order of Business No. 7 to be Introduction of Bills.

Order of Business No. 8 to be Reading of House Bills, Resolutions and Memorials.

Order of Business No. 9 to be Consideration of Messages from the Governor or Senate.

Motion Carried.

BAKER

Printing Committee ordered to print a copy of the new order of business for each member.

Remonstrances from Harley Hooker and 207 others in reference to licensing gambling and gambling houses.

Remonstrances were placed on file.

Notices of Introduction of Bills were as follows:

By Patterson: A Bill providing for plowing or otherwise constructing suitable fire guards on either side of Railroad right-a-ways.

By Lehman: A Bill for an act to amend Section 514, Chapter III, Title II, Part II of the Code of Civil Procedure.

By Donlan: An act entitled an act to amend Section 4066 of the Political Code of the State of Montana, relating to Traveling Merchants, Hawkers and Peddlers.

By Bielenberg: A Bill for an act to amend Section 2941 of the Political Code of Montana in reference to charging fees for recording brands.

Helena, Mont., January 30th 1901

The Speaker appoints as additional members of the Committee on Judiciary the following members of the house, Thomas McTague of Deer Lodge, Joseph M. Dixon of Missoula. FRANK E. CORBETT Speaker

### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 29, 1901.

Mr. Speaker:—Your committee on Mines and Mining, having had under consideration House Bill No. 35, entitled an Act to amend Section 718, Title 10, of the Penal Code, providing a penalty for violation of Chapter 20, Title 7, Part 3, of the Political Code of the State of Montana, relating to the regulation of coal mines, beg leave to report the same back to the House, with the recommendation that it do pass.

T. S. KILGALLAN,

Report adopted and H. B. No 35 Referred to printing Committee.

Helena, Montana, January 30th, 1901.

Mr. Speaker:—We, your Committee on State Institutions and Public Buildings, beg leave to refer House Bill No. 31 back to this body with the recommendation that the same be referred to the Appropriation Committee.

URQUHART Chairman.

Report adopted and H. B. No 31 referred to the Appropriation Committee.

Helena, Montana, January 30, 1901.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred House Bill No. 51 by Shanley, have considered the same and respectfully report the said Bill back to the House with a recommendation that it do pass.

R. P. THOROUGHMAN, Chairman.

Report adopted and H. B. 51 referred to printing Committee.

Helena, Montana, January 30, 1901.

Mr. Speaker: Your Committee on Ways and Means, having had under consideration H. B. No. 33, entitled "An Act to provide for the Investment of Funds Derived from the Sale of Agricultural College Lands or the Timber Thereon and for the Disbursement for the use of the Agricultural College, of Funds Received from the Lease of Said Lands", introduced by Martin, beg leave to report said bill back with the recommendation that it be amended and that as amended it do pass.

MacGINNIS Chairman.

Report adopted and H. B. No. 33 as amended be referred to printing Committee.

### FIRST AND SECOND READING OF HOUSE BILLS.

The following House Bills were read a first and second time:

H. B. No. 60 by Jensen, read a first and second time. Referred to Com

H. B. No. 61 by Jensen, read a first and second time. Referred to Committee on Privileges and Elections.

H. B. No. 62 by Bourne, read a first and second time. Referred to Committee on Education.

H. B. No. 63 by Gilchrist, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 64 by Gilchrist, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 65 by Richardson, read a first and second time. Referred to Committees on Labor and Railway and Transportation.

H. B. No. 66 by Gilchrist, read a first and second time. Referred to Committee on Appropriation.

H. B. No. 67 by Shanley, read a first and second time. Referred to Committee on Judiciary.

### INTRODUCTION OF BILLS.

Introduction of bills were as follows:

By Jensen: A Bill for an act entitled an act to amend Section 1810 and 1962 of the Political Code of Montana in reference to issuance of School District bonds.

Also, A Bill for an act entitled an act providing for the submission to the Electors of the State of Montana for their approval or rejection, an amendment to Section 2, Article IX, of the Constitution of the State of Montana relative to the right of suffrage.

By Bourne: A Bill for an act to establish District Free High Schools and to provide for their maintenance.

By Gilchrist: A Bill for an act entitled an act providing for the submission to the Electors of the State of Montana for their approval or rejection an amendment to Section 10, Article IX, of the Constitution of the State of Montana relative to the qualifications of women holding office.

Also, A Bill for an act to increase the number of Supreme Court Justices to five, and provide for their appointment and election, and to fix the salaries of the Justices of the Supreme Court, and to amend Section 12 of the Code of Civil Procedure.

By Richardson: A Bill for an act to define the liability of Railroad Corporations, in relation to damages sustained by their employees.

By Gilchrist: A Bill for an act appropriating money for the relief of Charles R. Leonard et al.

By Shanley: A Bill to amend Section 1510 of the Code of Civil Procedure.

Mr Speaker announces that he is about to sign S. B. No 3, and does so in the presence of the House.

Moved by Lannin that we suspend the rules and refer back to order of business No. 6.

Motion Carried.

### READING OF SENATE BILLS:

Senate Joint Memorial No 1, Read a 1" and 2" time Referred to Com. on State Lands.

S. B. No 5 Read a 1" and 2" time. Referred to Com on Military Affairs.

S. B. No. 9, Read a 1" and 2" time Referred to Committee on Judiciary.

S. B. No 8, Read a 1" and 2" time Referred to Committee on Agriculture and Stock.

S. B. No 13 Read a 1" and 2" time. Referred to Committees on Labor and Corporations other than Municipal.

Moved by Roland that the House take a recess until 12. o'clock M.

Motion Lost.

S. B. No 15, Read a 1" and 2" time. Referred to Judiciary Committee.

S. B. No 14, Read a 1" and 2" time Referred to Committee on Townships and Counties.

S. B. No. 19, Read a 1" and 2" time Referred to Judiciary Committee.

S. B. No 20, Read a 1" and 2" time Referred to Judiciary Committee

Moved by Cannon that the House take a recess until 12 o'clock M.

Motion Carried.

12. o'clock M.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.



## JOINT SESSION.

House of Representatives.

Helena Mont. Jan. 30th 1901

The members of the Senate and House of representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the resignation of the Honorable W. A. Clark, in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Murray, Myers, Warner—6.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy, Mahon—2.

For Hoffman—Connolly, Cullen—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Connor of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Newbary, Newton, Patterson, Roland, Shanley—20.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Kilgallan, Madden, McTague, Rosman, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Wood, Corbett—18.

For MacGinniss—Axtell, Cram, Donaldson, Hartwig, McDonald, Meunier, Pelletier, Ward—8.

For Pelletier—Connor of Cascade, Crawford, Lannin, Lewney, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Spriggs—Fitzpatrick, Jensen, Sanden—3.

For Conrad—McDonnell—1.

For Hoffman—Fine—1.

For Toole—MacGinniss—1.

For Clancy—Ferry—1.

Absent and Paired—Bourne, Dee, Murray, Stull and Sullivan of Silver Bow.

The President announced the vote of the Joint Assembly as follows

For Lee Mantle—	29
“ H. L. Frank	24
“ John MacGinniss	10
“ Walter Cooper	9
“ F. J. Pelletier	7
“ C. W. Hoffman	3
“ A. E. Spriggs	3
“ W. G. Conrad	2
“ J. K. Toole	1
“ William Clancy	1

(89)

The President announced no one having received a majority of all the votes cast there is no election.

Moved by Connolly that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.



S. B. No 21 Read a 1" and 2" time. Referred to Com on Townships & Counties.

S. B. No 23 Read a 1" and 2" time Referred to Judiciary Committee.

S. B. No 24, Read a 1" and 2" time Referred to Judiciary Committee.

S. B. No 25 Read a 1" and 2" time Referred to Committee on Appropriations.

S. B. No 26, Read a 1" and 2" time Referred to Ways and Means Committee.

Moved by Connor that the House adjourn until 10. o'clock tomorrow  
Jan 31, 1901

Motion Carried.

Mr Speaker declared the House adjourned until 10 o'clock tomorrow  
Jan 31, 1901

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## TWENTY-FIFTH DAY

House of Representatives.

Helena Mont Jan 31. 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain

The Journal of the previous day was read and approved.

### PRESENTATION OF PETITIONS.

A Petition from Jno Graham and 150 others of Flathead County requesting the Seventh Legislative Assembly to modify the present game law. Petition referred to Committee on Fish and Game.

Petition was read from G. M. Gilchrist of Butte and 65 others in regards to licensing gambling and gambling houses.

### COMMUNICATIONS.

Helena, Montana, January 30, 1901.

To the Members of the House of Representatives of the Seventh Legislative Assembly of the State of Montana:

In accordance with the instructions of the House, issued upon the motion of MacGinniss of Silver Bow, I have, subject to your approval, after proper examination apportioned the message of his excellency the Hon. Joseph K. Toole, Governor of the State of Montana, among the various standing committees of the House as follows, to wit:

#### I.

All that portion of the said message, as printed, beginning on page 1 and concluding on page 6, under the heading of "Assessable Property" and "State's Principal Resources," is referred to the Committee of the House on Appropriations, being Committee No. 2.

#### II.

All that portion of the said message, as printed, beginning on page 6 and concluding on page 8, under the headings "The Sheep Industry," "Cattle and Horses," "Beer, Brick, Coal and Lumber," and "Agriculture and Horticulture," is referred to the Committee of the House on Agriculture and Stock, being Committee No. 6.

#### III.

All that portion of the said message, as printed, beginning on page 8 (and concluding on page 9.) under the heading of "State Board of Equalization," is referred to the Committee of the House on Ways and Means, being

Committee No. 1, and also to the Committee on Judiciary, being Committee No. 3.

IV.

All that portion of the said message, as printed, beginning on page 9 and concluding on page 13, being under the headings of "State Board of Arid Land Grant Commissioners," and "State Lands," is hereby referred to the Committee of the House on State Lands, being Committee No. 14, and also to the Committee on Irrigation and Water Rights, being Committee No. 15.

V.

All that portion of the said message, as printed, commencing on page 13 and ending on page 19, under the headings "Insane," "State Penitentiary," "Educational Institutions," "Reform School" and "Soldiers' Home," is referred to the Committee of the House on State Institutions being Committee No. 20.

VI.

All that portion of the said message, as printed, commencing on page 19 and ending on page 22, under the headings "State Orphans' Home," and "Historical Society," is referred to the Committee of the House on State Institutions, being Committee No. 20.

VII.

All that portion of the said message, as printed, commencing on page 22 and ending on page 22, under the heading "Boiler Inspector," is referred to the Committee of the House on Mines and Mining, being Committee No. 7.

VIII.

All that portion of (the) said message, as printed, commencing on page 22 and ending on page (22,) under the heading "Bureau of Agriculture, Labor and Industry," is referred to the Committee of the House on Labor, being Committee No. 17.

IX.

All that portion of (the) said (message,) as printed, commencing on page 23 and ending on page 23, under the heading of "National Guard," is hereby referred to the Committee of the House on Military Affairs, being Committee No. 10.

X.

All that portion of (the) said message, as printed, commencing on page 23 and ending on page 26, under the headings "Amendment of Laws," "Transportation of Prisoners," "Salaries of District Judges and of County Attorneys," is referred to the Committee of the House on Judiciary, being Committee No. 3.

XI.

All that portion of the said message, as printed, commencing on page 26 (and ending on page 26,) under the heading of "State Printing," is hereby referred to the Committee of the House on Printing, being Committee No. 24.

XII.

All that portion of the said message, as printed, commencing on page 27 and ending on page 27, under the headings "Eight Hour Law," and "Company Stores," is hereby referred to the Committee of the House on Labor, being Committee No. 17.

XIII.

All that portion of the said message, as printed, commencing on page 27 and ending on page 29, and all that portion of the said (message,) as printed, beginning on page 30 and ending on page 34, under the headings "Election of Senators," "Trusts and Monopolies," and "Corporate Influence in

Elections," is hereby referred to the Committee of the House on Judiciary, being Committee No. 3.

#### XIV.

All that portion of the said message, as printed, beginning on page 29 and concluding on page 30, under the heading "House Bill No. (132,)" 32 is hereby referred to the Committee of the House on Incorporations (Corporations) Other Than Municipal, being Committee No. 5.

#### XV.

All that portion of (the) said message, as printed, beginning on page 34 and concluding on page 34, under the heading "Enumeration and Apportionment," is hereby referred to the Committee of the House on Apportionment and Representation, being Committee No. 18.

#### XVI.

All that portion of the said message, as printed, commencing on page 35 and terminating on page 36, under the heading "Pan-American Exposition," is hereby referred to the Committee of the House on Ways and Means, being Committee No. 1.

#### XVII.

All that portion of the said message, as printed, commencing on page 36 and terminating on page 39, under the headings "Montana State Capitol," and "Conclusion," is hereby referred to the Committee of the House on State Institutions, being Committee No. 20.

And the Speaker respectfully suggests to and requests of the various Committees among which the message of the Honorable the Governor of the State of Montana has been by this report apportioned, that the said Committees consider said report, and especially the portions thereof to said Committees referred, and that the same be by the said Committees without unnecessary delay carried into effect, so far as in the judgment of the said Committees the suggestions in the said portions of the said passage (message) may appear to be to the best interests of the people of the (this) State.

All of which is respectfully submitted.

FRANK E. CORBETT

Speaker of the House of Representatives of the 7th Legislative Assembly of the State of Montana.

#### NOTICES.

Notices of introduction of bills were as follows:

By Lehman: A Bill for an act to regulate the deposits of State and County funds in banks, to provide for the security thereof and for the payment of interest thereon.

Also—A Bill for an act to amend Sections 513 and 514, Chapter III, Title II, Part II of the Code of Civil Procedure.

By Hedges: A Bill for an act entitled an act to authorize and provide for the investment of permanent School Funds, permanent University Funds and other Land Grant Funds, held by the State Treasurer of the State of Montana, and to authorize the State Treasurer of the State of Montana with the advice and consent of the State Board of Land Commissioners, to make such investments.

By Kilgallon: An act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled "An act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a Section to be numbered 4084, regarding licenses", approved March 6, 1897, and to amend Section 4064 of the Political Code of Montana, relating to licenses.

By Jones: A Joint House Memorial for the relief of certain settlers on the Lewis and Clark Reserve.



## REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 30th, 1901.

Mr. Speaker:—We, your Committee on Engrossing report that we have correctly engrossed and delivered to the Chief Clerk, House Bills No. 17, 12 and 38.

B. F. MYERS Chairman.

Helena, Montana, January 30th, 1901

Mr. Speaker:—Your Committee on Townships and Counties to whom was referred Senate Bill No. 21 for an act to create the County of Rosebud respectfully report the same back and recommend that it do pass.

J. E. MARTIN Chairman.

(Report adopted and S. B. No 21. placed on general orders.)

Helena, Montana, January 30th 1901.

Mr. Speaker:—Your Committee on Townships and Counties to whom was referred House Bill No. 28, an act to create the County of Rosebud respectfully report the same back and recommend that it be indefinitely postponed.

J. E. MARTIN Chairman.

Report adopted and H. B. No 28 was indefinitely postponed.

## READING OF HOUSE BILLS.

The following House Bills were read a 1st and 2nd time.

H. B. No. 68 by Fitzpatrick, read a first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 69 by Rosman, read a first and second time. Referred to Committee on Mines and Mining.

H. B. No. 70 by Donlan, read a first and second time. Referred to Committee on Internal Improvements.

## THIRD READING OF HOUSE BILLS.

H. B. No 17. Read 3rd time and passed the House by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—66.

Noes—Roland—1.

Absent and Paired—Bourne, Dee, Sullivan of Silver Bow.

Mr Speaker declares H. B. No 17. passed by the House and ordered the Chief Clerk to transmit same to the Senate.

H. B. No. 12. Read 3rd time by title and passed the House by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Mr. Speaker—66.

Noes—None.

Absent and not voting—Bourne, Dee, Sullivan of Silver Bow, Wood—4.

Mr Speaker declares H. B. No 12 passed by the House and ordered the Chief Clerk to transmit H. B. No 12 to the Senate.

Moved by Connor of Ravalli that H. B. No 38. be recommitted in the Committee of the whole.

Motion Lost.

H. B. No 38. passed the House by the following vote.



Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Cannon, Connor of Cascade Co., Cram, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McTague, Metlen, Meunier, Murray, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Stull, Sullivan of Lewis & Clarke, Thoroughman, Toole, Urquhart, White, Woods—49.

Noes—Bielenburg, Brownlee, Connor of Ravalli, Crawford, Dixon, Donlan, Geary, Gilchrist, Jones, Martin, McIntyre, Myers, Patterson, Rossman, Shanley, Swindlehurst, Mr. Speaker—17.

Absent and not voting—Bourne, Dee, Sullivan of Silver Bow, Ward.

Mr. Speaker declared H. B. No 38 passed by the House and ordered the Chief Clerk to transmit same to Senate.

#### • READING OF SENATE BILLS.

S. B. No 10, Read 1" and 2" time Referred to Committee on Agriculture and Stock.

S. B. No 27. Read a 1" and 2" time Referred to Committee on Ways and Means.

S. B. No 16. Read a 1" and 2" time Referred to Committee on Judiciary.

S. B. No 30 Read a 1" and 2" time Referred to Committee on Judiciary. Moved by Metlen that S. B. No 16 be withdrawn from Judiciary Committee and referred to Committee on State Institutions.

Motion Carried.

Moved by Lannin that the House take a recess until 12 o'clock M.

Substitute motion by Baker that we proceed to the regular order of business.

Substitute motion Carried.

#### INTRODUCTION OF BILLS.

Introduction of Bills were as follows:

By Fitzpatrick: An act entitled an act to amend Section 7, 8, 9 and 19 of an act to create the Montana State Board of Horticulture, to prescribe its powers and duties and to appropriate money therefor.

By Rossman: A Bill for an act providing for the granting of options by guardians upon mining claims, and for the sale and conveyance of the same pursuant to the terms thereof.

By Donlan: An Act entitled an act to amend Section 4066 of the Political Code of the State of Montana relating to Traveling Merchants, Hawkers and Peddlers.

By Adkins: A Bill for an act appropriating to J. M. Page the sum of \$685.84 for services to the State of Montana as State Land Agent from August 7th, 1897, to October 25th, 1897 inclusive.

By Murray: An act to prohibit the manufacture, sale, purchase or gift of cigarettes, cigarette paper or cigarette wrapper, in the State of Montana and providing a penalty therefore.

By Bielenberg: A Bill for an act entitled an act to amend Sections 953, 954 and 958 of the Political Code of Montana in reference to the killing and injury of live stock by Railroads, and for the recovery of damages for animals so killed or injured.

Also—A Bill for an act entitled an act to amend Section 2941 of the Political Code of Montana in reference to charging fees for recording brands.

Moved by Fitzpatrick that the House take a recess until 12 o'clock Noon.

Motion Carried.

12 o'clock Noon.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

House of Representatives.

Helena Mont. Jan. 31, 1901

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the Honorable W. A. Clark, in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Murray, Myers, Mahon, Warner—7.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy—1.

For Hoffman—Connolly, Cullen—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote (was) announced.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Connor of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Kilgallan, Madden, McTague, Rosman, Sullivan of Lewis & Clarke, Toole, Urquhart, White, Corbett—17.

For MacGinniss—Axtell, Cram, Donaldson, Hartwig, McDonald, Meunier, Ward—7.

For Pelletier—Connor of Cascade, Crawford, Lannin, Lewney, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Spriggs—Fitzpatrick, Jensen, Sanden—3.

For Conrad—McDonnell, Woods—2.

For Hoffman—Fine, Pelletier—2.

For Toole—MacGinniss—1.

For Clancy—Ferry—1.

Absent and not voting—Bourne, Dee, Sullivan of Silver Bow—3.

The President announced the vote of the Joint Assembly as follows.

For Lee Mantle .....	31
" H. L. Frank .....	24
" Walter Cooper .....	9
" John MacGinniss .....	8
" F. J. Pelletier .....	7
" C. W. Hoffman ..	4
" W. G. Conrad ....	3
" A. E. Spriggs .....	3
" Joseph K. Toole .....	1
" William Clancy ..	1

(91)

The President announced no one having received a majority of all the votes cast, there is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Moved by Kilgallan that the House take a recess until 2.30 P. M.

Substitute motion by Hill that the House adjourn until 10. A. M. tomorrow Feb 1, 1901.

Substitute Motion Carried.

Mr Speaker declared the House adjourned until 10. A. M. tomorrow Feb. 1. 1901

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## TWENTY-SIXTH DAY

House of Representatives.

Helena Mont Feb. 1, 1901.

House met pursuant to adjournment at 10. A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain

The Journal of the previous day was read and approved.

A remonstrance from Frank Kinney and 15 others in regards to licensing gamblers and gambling Houses.

Petition from Chas. Bachman and 25 others asking the House to pass H. B. No 3.

Petition referred to Committee on Townships and Counties.

Petition from T. F. Goddard, and 60 others asking the House to pass a bill for a Meat and Milk inspector.

Placed on File.

Kilgallan requested unanimous consent to withdraw H. B. 59. for amendment.

There being no objection the request was granted.

### NOTICES.

Notices of Introduction of Bills were as follows:

By Donaldson: A Bill for an act entitled an act to regulate common Carriers and to create a Railroad Commission in the State of Montana.

By Ferry: An act to provide for the payment of employees semi-monthly, and to prevent the assignment of an employee of any further earnings, and providing a penalty for the violation thereof.

### REPORTS OF STANDING COMMITTEES.

House of Representatives, February 1, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 24, entitled "An Act to Amend Section 1821, Chapter IV, Title XIV, of the Code of Civil Procedure, Relating to Motions in Civil Actions," beg to report to the House that we concur in said Bill and recommend that it do pass.

M. P. GILCHRIST Chairman.

Report was adopted and placed on file.

House of Representatives, February 1, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 19, entitled, "An Act to Amend Section 1080 of the Code of Civil Procedure of Montana, Relating to the Mode of Procedure in the Trial of Civil Actions," beg leave to report to the House that we concur in said Bill, and recommend that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and placed on file.

House of Representatives, February 1, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 16, entitled "An Act to Amend Sections 1331, 1334 and 1337, Article 2, Chapter 8, Title 2, Part 3, of the Political Code of the State of Montana, Relating to Primary Elections," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman

Report adopted and H. B. No. 16 Referred to printing Committee



House of Representatives, February 1, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 20, entitled, "An Act to Amend Section 2070 of the Penal Code of Montana, Relating to Method of Procedure in the Trial of Criminal Actions," beg leave to report to the House that we concur in said Bill, and recommend that it do pass. M. P. GILCHRIST Chairman.

Report adopted and placed on file.

House of Representatives, February 1, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 23, entitled "An Act to Amend Section 683, Chapter III, Title VI, Part II, of the Code of Civil Procedure, Relating to Pleadings in Civil Actions," beg to report to the House that we concur in said Bill and recommend that it do pass. M. P. GILCHRIST Chairman.

Report adopted and placed on file.

Helena, Montana, Feb 1, 1901.

Mr. Speaker: Your Committee on Printing, to whom was referred House Bill Nos. 6, 19, 24, 55, 42, 39, 33, & Order of Business Cards, respectfully report the same back as properly printed. GEO. F. WHITE Chairman.

Report adopted and placed on file, and H. B.'s placed on general order.

January 31 1901

Mr. Speaker:—Your Committee on Townships and Counties have had under consideration House Bill No. 57. A Bill for an Act to Amend Section 3671 of the Political Code of the State of Montana, and report it back to the House and recommend that it be indefinitely postponed.

J. E. MARTIN Chairman.

Moved by Toole that the report be adopted as read.

Motion Carried.

### INTRODUCTION OF BILLS.

Gilchrist asked unanimous consent to introduce a bill providing for two assistants for the Attorney General.

Request from Gilchrist was granted.

February 1,

The following Bills were introduced:

H. B. No. 75. By Lehman: A Bill for an act (entitled an act) to amend Section 513 and 514, Chapter III, Title II, Part II of the Code of Civil Procedure.

H. B. No. 76. By Lehman: A Bill for an act entitled an act to regulate the deposit of State and County funds in banks, to provide for the security thereof and for the payment of interests thereon.

H. B. No. 77. By Hedges: A Bill for an act entitled an act to authorize and provide for the investment of permanent School Funds, permanent University Fund and other Land Grant Funds, held by the State Treasurer of the State of Montana, and to authorize the State Treasurer, with the advice and consent of the State Board of Land Commissioners, to make such investment.

H. B. No. 78. By Connor of Ravalli: A Bill for an act providing for Farmers Institutes and making an appropriation therefor.

H. B. No. 79. By Gilchrist: A Bill for an act to provide for the assistance (assistants) for the office of Attorney-General and to fix the salaries thereof.

H. B. No. 80. By Kilgallon: An act to amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled, "An Act to amend Section 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter 12, Title 10, Part III of the Political Code, a Section to be numbered 4084 regarding licenses, approved March 6th, 1897 and to amend Section 4064 of the Political Code of Montana relating to licenses.

### READING OF HOUSE BILLS.

The following House Bills were read a 1st and 2nd time.

H. B. No. 71 by Adkins, read a first and second time. Referred to Committee on Appropriations.



H. B. No. 72 by Murray, read a first and second time. Referred to Committee on Internal Improvements.

H. B. No. 73 by Bielenberg, read a first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 74 by Bielenberg, read a first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 75, by Lehman, read a first and second time. Referred to the Committee on Judiciary.

H. B. No. 76 by Lehman, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 77, by Hedges, read a first and second time. Referred to Committee on State Lands.

H. B. No. 78 by Connor of Ravalli, read a first and second time. Referred to Committee on Agriculture and Stock, and Appropriations.

H. B. No. 79 by Gilchrist, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 80 by Kilgallon, read a first and second time. Referred to Committee on Judiciary.

Executive Office, Helena, Montana, January 31st., 1901.

To the Speaker of the House of Representatives, State of Montana.

I have the honor to submit herewith for the information of the House of Representatives, copy of a letter addressed to me and signed by the Chairman of the Executive Committee, the Chairman of the Finance Committee, the Chairman of the Legislation Committee and the Chairman of the Legal Committee of the St. Louis Worlds Fair, celebrating the Louisiana Purchase Centennial.

Very respectfully,

J. K. TOOLE Governor

(COPY)

St. Louis Worlds Fair.

Celebrating the Louisiana Purchase Centennial.

Office of Secretary, St. Louis, January 26th., 1901.

Hon. Joseph K. Toole, Governor of Montana.

Dear Sir.—At a convention of the delegates from the several states and territories comprised within the Louisiana Purchase, held in the City of St. Louis on Jan. 10th. and 11th. 1899, it was resolved that the centennial anniversary of the acquisition of the Louisiana Territory by the United States, occurring in the year 1903, should be commemorated by an Exposition of the Arts and Industries of the Territory, in which all the nations of the earth should be invited to join, and the city of St. Louis was agreed upon as the place for holding such Exposition.

The people of St. Louis accepted the honorable and responsible obligation thus imposed upon them, and now announce that the Exposition is an assured fact.

A corporation is now being organized to carry out the work and subscriptions to its capital stock, amounting to five millions of dollars have been received or guaranteed.

By amendment to the Constitution of the State, the City of St. Louis has been authorized to issue five million dollars in bonds to aid the Exposition enterprise.

The Government of the United States has pledged its support to the extent of five millions of Dollars, and in addition to this, will make a worthy and creditable exhibit.

The people of Missouri, have, by popular vote, authorized the State to appropriate a million of dollars for the purpose of its exhibit.

The Exposition will have not only the financial aid of the general government, but the government will have practically an equal voice with the local company in its management. All the nations of the earth will be invited to participate, and there is reason to believe that this Exposition will surpass everything of the kind hitherto attempted.

It is very much desired that your State take part with us, and we respectfully ask that you call the attention of your General Assembly to the

subject, and, if consistent with your sense of duty, that you ask them to give it early and favorable consideration.

Very respectfully yours,

(Signed) D. R. FRANCIS. Chairman Executive Committee.

(Signed) W. H. THOMPSON. Chairman Finance Committee.

(Signed) F. W. LEHMANN. Chairman Legislation Committee.

(Signed) JAMES L. BLAIR. Chairman Legal Committee.

Executive Office, Helena, Montana. January 31st., 1901.

To the Speaker of the House of Representatives, State of Montana.

I have the honor to submit herewith to the House of Representatives claims in the sum of Five hundred and thirty-nine and 58-100 dollars (\$539.58), which show:—

(A) The name of the person to whom the state is indebted.

(B) The nature of such indebtedness or claim against the State.

(C) The amount of such indebtedness or claim; and

(D) The reason why such claims have not been paid.

Very respectfully,

J. K. TOOLE Governor.

Referred to Committee on Appropriations.

Senate Chamber, Helena, Montana, January 31, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bills were introduced as follows:

Senate Bill No. 65. By Stanton: A Bill for an act creating a board of Park Commissioners as a department of the city government in cities of the first class defining its powers and duties fixing the term of office of commissioners and providing for their appointment by the Governor.

Senate Bill No. 66. By Conrow: An Act to amend Section 1330 Chapter 8, Title 2, Article 2 of the Political Code of the State of Montana relating to primary elections.

Senate Bill No. 67. By Mahon: A bill for an act entitled an act to amend Section 517 Chapter 5, Title 9, Part 4 of the Penal Code of the State of Montana relating to interment of human remains.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, January 31, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of bills were given as follows:

By Kennedy: A bill for an act amending Section 4 of the Session Laws of the Fifth Legislative Assembly of Montana relating to the salaries of the Commissioner of the Bureau of Agriculture, labor and industry and the chief clerk in said bureau.

By Warner: An act to protect and enhance the industry of cattle raising.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, January 29, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

By Meyer of Carbon, S. B. No. 56. An Act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes or for irrigation from depositing coal slack or other refuse from such mine in such stream and for fixing the penalty for failure to comply with the law.

By Hobson, S. B. No. 57. A Bill for an Act Entitled an Act for the Protection of the health of men employed in smelters, sampling works and dry crushing quartz mills, by regulating their hours of employment and providing penalties for the violation thereof.

Also S. B. No. 58. A Bill for the Protection of the Health of Men employed in underground mines by regulating their hours of employment, and providing penalties for the violation thereof?

By Kelly, S. B. No. 59. A Bill to Amend Sections 1, 2, 3, and 4, of an Act of the Sixth Legislative Assembly entitled An Act to Protect the Owners of Horses and to cause the inspection of the same.

By Meyer of Carbon. Senate Joint Memorial No. 2. Relating to opening of segregated and isolated lands in Crow Reservation.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, January 29, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable

body, That: Senate Joint Memorial No. 1 and Senate Bills Nos. 5, 8, 9, 13, 14, 18, 19, 20, 21, 23, 24, 25, 26, were read the third time and passed by the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, January 30, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills Nos. 10, 16, 27 and 30 have been read a third time and passed the Senate and are herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, Jan. 30, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 60. By Gruwell: An Act to provide for free tuition in Public High Schools For pupils who have completed the common school course in Districts in which no higher branches are taught.

Senate Bill No. 61. By Kelly: A Bill for an act to prevent fires from railroad engines and to provide for the recovery of damages occasioned by such fires.

Senate Bill No. 62. By Senate Com. on Judiciary. A Bill for an act to amend section 563, Chapter 3, Title 1, of the Political Code relating to fees charged for examination of applicants for engineers licenses.

Senate Bill No. 64. By Clark. A Bill for an act to amend section 38, of Chapter 4, of Title 1, of the Code of Civil Procedure of the State of Montana, relating to District Courts.

Respy

C. A. WHIPPLE Secy

Helena, Montana, January 29, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of Bills were given as follows:

By Kelly: An act to prevent fires from railroad engines and to provide for recovery of damages occasioned by such fire

By Warner: A bill to amend Section 563 of the Political Code relating to fees charged for examination of applicants for engineers licenses.

By Gruwell: A bill to provide free tuition in public high schools for pupils who have completed the common school course in districts in which no higher branches are taught.

Respectfully,

C. A. WHIPPLE Secretary.

Moved by Baggs that we take a recess until 12. o'clock M.

Motion Carried.

12. o'clock M.

House Resumes

Mr. Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena Mont. Feb. 1st 1901

The Members of the Senate and House of representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to succeed the vacancy caused by the resignation of Honorable W. A. Clark, in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.



For Mantle—Anderson, Hobson, Kelly, McLean, Mitchell, Meyer, Phillips, Worden—8.

For Frank—Biggs, Courtney, Murray, Myers—4.

For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy, Warner—2.

For Hoffman—Connolly, Cullen—2.

For Conrad—Stanton—1.

For Buford—Clark—1.

Absent and not voting—Geiger, Mahon—2.

The President ordered the Chief of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Brownlee, Connor of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Patterson, Roland, Shanley, Stull—20.

For Frank—Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Kilgallan, Madden, Rosman, Sanden, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Corbett—16.

For MacGinniss—Axtell, Cram, Donaldson, Hartwig, McDonald, Meunier—6.

For Pelletier—Connor of Cascade, Crawford, Lannin, Lewney, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman, Wood—6.

For Spriggs—Fitzpatrick, Jensen, Pelletier—3.

For Buford—Adkins, Fine—2.

For Toole—MacGinniss—1.

For Clancy—Ferry—1.

Absent and not voting—Bielenberg, Bourne, Dee, McDonnell of Deer Lodge, McTague, Newton, Sullivan of Silver Bow, Ward—8.

The President announced the vote of the Joint Session as follows.

Lee Mantle .....	28
H. L. Frank .....	20
Walter Cooper .....	10
John MacGinniss .....	8
F. J. Pelletier .....	7
A. E. Spriggs .....	3
S. R. Buford .....	3
C. W. Hoffman .....	2
W. G. Conrad .....	1
William Clancy .....	1
J. K. Toole .....	1
	84

The President announced that no one having received a majority of all the votes cast there is no election.

Moved by Geiger that the Joint Assembly do now dissolve, and the Senate retire from the Hall of the House.

Motion Carried.

#### MESSAGES FROM THE GOVERNOR.

Executive Office, Helena, Montana. February 1st., 1901.

To the Speaker of the House of Representatives, State of Montana.

In view of the fact that the local boards of nearly all of the educational and other state institutions in the discharge of their duties have deemed it proper to urge before your Honorable Body the propriety of making a second issue of bonds upon their several land grants for the erection of additional buildings and improvements, and in every instance, are asking an increase for maintenance over previous years, I feel obliged to call your attention to the fact, that while ordinary business care and prudence may justify such an issue in some instances, it cannot be done without assuming some responsibility on the part of the State.

While the various acts authorizing the issue of bonds, as I am advised, create no direct liability upon the part of the state for the payment of



principal and interest, it is nevertheless conjectured that state pride in these various institutions will sooner or later, in case of depreciation in the value of these grants by sales of timber, destruction by fire, or otherwise, be made the basis of an appeal to the legislature for financial relief; this seems almost certain in the case of the Agricultural College bonds, interest on which has already defaulted in fact but not in law, and is being compounded at six per cent. This condition of affairs is not improbable in the event of a second issue on any of the other grants, although it is fair to say that the other grants are now more productive of revenue and the believed to be more valuable than the bonded grant of the Agricultural College.

My purpose is to apprise you of such information as I possess for your guidance, and to this end I transmit herewith a letter from Claude Ashbrook, Esq., Investment Banker, Cincinnati, Ohio, under date of January 25th., addressed to my immediate predecessor in office, and by him referred to me, together with my reply to the same. Very respectfully,

J. K. TOOLE Governor.

(COPY)

CLAUDE ASHBROOK.

INVESTMENT BANKER.

ATLAS BANK BUILDING,

Cincinnati, Ohio, Jan. 25th., 1901.

MUNICIPAL and

MISCELLANEOUS BONDS.

Hon. Hobert B. Smith, Governor of Montana, Helena, Montana.

Dear Sir:—Several of my clients, mainly Savings Banks, recently invested on my advice, in Bonds of the State of Montana, issued for the purpose of constructing and equipping your State Agricultural College.

Interest coupons maturing January 1st. of this issue, have been returned unpaid, marked "No funds".

I take the liberty of personally calling your attention to this deplorable condition of your state finances, as you may not be aware of the deficiency existing. The non-payment of the rather trifling sum of \$3,000.00, semi-annual interest on an issue of \$100,000. Bonds, made by your State and signed by its highest officials, the Governor, Attorney General, Secretary of State, etc., for the benefit of one of your public institutions, is a reflection on the good name and financial credit of the great State of Montana, which I may venture to suggest, should be immediately rectified.

It is a fact worthy of note that investments of Eastern capitalists in your industrial enterprises, as well as your quasi-public institutions, have resulted in the past most satisfactorily; and the experience of such investors fortified by the untold resources of Montana, establishes the fullest confidence on their part in further advances of capital, resulting in the development and growth of your State as a whole. The default, therefore, for such I take it to be, in the interest obligations of your State, is a matter which I sincerely trust will receive your official attention and be remedied without further delay, as indeed it should be.

I therefore earnestly solicit your active co-operation, and beg to extend at the same time my thanks for any courtesy which this letter may receive at your hands.

I remain, my dear sir, your most obedient servant,

(Signed)

CLAUDE ASHBROOK.

Executive Office, Helena, Montana. January 31st., 1901.

Mr. Claude Ashbrook, Investment Banker, Atlas Block Bldg., Cincinnati, Ohio.

Dear Sir:—Your favor of the 25th. inst., directed to my predecessor in office, Hon. Robert B. Smith, has been referred to me. I regret exceedingly that the Agricultural College is behind in its interest. I do not know that the Executive Department can at this time do more than see to it that the grant upon which the bonds are issued is fairly administered. While the State, in the act authorizing the bond issue assumes no liability to pay either principal or interest, it is nevertheless solicitous about the reputation and welfare of its educational institutions.

I have had prepared and herewith submit for your information, a statement of the condition and character of the grant, its probable value and the prospect of realizing upon the same. Much as I would like to do so, my present information does not justify the hope that I can promise a remedy at any early date for the present condition of affairs.

Very respectfully,

J. K. TOOLE Governor.

(COPY)

State of Montana,

Office of Register of State Lands, Helena, Montana, January 31, 1901.  
To His Excellency, Joseph K. Toole, Governor of Montana.

Sir: In response to your inquiry concerning the Agricultural College Bond Grant, I have the honor to reply that the grant covers 50,000 acres. Of this amount 48,149 acres have been patented to the State and have been appraised and classified as follows, to-wit:—

Agricultural Lands .....	640 acres	
Grazing Lands .....	23,342	"
Timber Lands .....	24,167	"
Appraised Value, Agricultural and Grazing Lands.....		\$ 32,036.00
Timber, Flathead County, at \$1.50 per M. ft. Stumpage.....		42,608.00
Timber, Missoula County, at \$2.00 per M. ft. Stumpage .....		58,606.00

Total Value of Grant .....\$133,250.00

\$100,000.00 worth of 6 per cent Bonds have been issued against the revenue of this grant. There are now outstanding, warrants to the amount of \$10,526.32, bearing 6 per cent interest, issued to pay the accrued interest upon the bonds, making the total liability \$110,526.32, not including interest upon the warrants.

The receipts from leases for the year 1900 were \$356.75, and from timber sales, \$10,499.45.

There will be about \$14,000.00 derived from timber sales during the present year, after which the returns will be very slow.

About all the timber easily accessible to the railroad having been sold, the money paid for interest in the past (over \$23,000.00.) coming from that source.

The grazing lands belonging to the grant were selected with a view to prospective irrigation schemes rather than for present utility, and therefore yield no revenue. I am, very respectfully,

(Signed) H. D. MOORE, Register State Lands.

Communication from the Governor referred to Committee on State Institutions.

Moved by Cannon we adjourn until 10 o'clock tomorrow February 2nd 1901

Amendment by Hedges that the House take a recess until 2.30 P. M.

Amendment Carried.

2.30. P. M.

House Resumes

Mr Speaker in the Chair

Roll Call

Quorum Present.

I move that the standing Committee No 21 being Committee on Fish and Game, be increased by the addition thereto of two members of this house—such additional members to be appointed by the Speaker.

McDONALD Chairman

Motion Carried.

Mr Speaker—I respectfully ask to be excused from attendance in this body on Friday and Saturday—Feb'y 1st and 2nd 1901—and will pair with John N. W. Bielenberg.

Respy

TOM McTAGUE,

John Bielenberg.

There being no objection the Request was granted.

Mr. Speaker:— I move that the Sargeant at Arms be instructed to place a copy of all Senate bills and House bills on the desk of each member as soon as they are printed.

KILGALLAN

Motion Carried.

Mr Speaker I move that 400 copies of House Bill No 12 be printed

S. R. JENSEN

Motion Carried.

Moved by Hedges that the House go into a Committee of the whole for the consideration of H. B. No 3, Special order.

Motion Carried.

The House resolved itself into a Committee of the whole for consideration of H. B. No 3,

Gilchrist in the Chair.

House Resumes.

Mr Speaker in the Chair.

Gilchrist, Chairman of the Committee of the whole made the following report.

Helena Mont. Feb. 1, 1901.

Mr Speaker, Your committee of the whole, having had under consideration H. B. No 3 on special order, instructs and directs me to report back the bill with the recommendation that said bill do not pass.

M. P. GILCHRIST

Moved by Hedges that the report be adopted.

Motion Carried.

#### CONSIDERATION OF MESSAGES FROM THE GOVERNOR AND SENATE.

Senate Chamber, Helena, Montana, Feb. 1 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bill No 1 has been concurred in as amended in Sec 5 and is here(with) by transmitted for your concurrence in amendment

Respy

C. A. WHIPPLE Secy

Moved by MacGinnss that the amendment made by the Senate be adopted.

Motion Carried by the following vote:

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—61.

Noes—None.

Absent and not voting—Bielenberg, Bourne, Dee, Faust, McDonnell of Deer Lodge, McTague, Pelletier, Sullivan of Silver Bow, Ward—9.

H. B. No 1. passed the House by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—61.

Noes—None.

Absent and not voting—Bielenberg, Bourne, Dee, Faust, McDonnell of Deer Lodge, McTague, Pelletier, Sullivan of Silver Bow, Ward—9.

Mr Speaker announced that H. B. No 1, as amended has unanimously passed the House and ordered the Chief Clerk to so notify the Senate.

H. B. No 1 was then referred to the Enrollment Committee.

Moved by Gilchrist that the House do now adjourn until tomorrow at 10.30 Feb 2nd 1901

Motion Carried.

Mr Speaker declares the House adjourned until tomorrow at 10.30 Feb 2nd 1901

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker



## TWENTY-SEVENTH DAY

House of Representatives.

Helena Mont Feb 2 1901

House met pursuant to adjournment at 10:30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by Chaplain

The Journal of the previous day was read and approved.

Mr Speaker appoints Godfrey and Berkin two additional members of the Committee on Fish and Game.

### RULES FOR COMMITTEE CLERKS.

Each Committee Clerk of the House shall report to the Chief Clerk of the House and shall personally sign the roll provided by the said Chief Clerk to be signed, so that the presence or absence of such Committee Clerk may be by the said Chief Clerk determined, which report and signature shall be made not later than the hour of nine o'clock A. M. of each legislative day, save and except upon such days upon which the House is required to meet earlier than said hour of nine o'clock A. M., and upon such days said Committee Clerks shall report and so sign not later than the hour of meeting of (the) said House.

Any Committee Clerk of the said House not appearing and signing the roll as above required, shall forfeit the salary payable to said Committee Clerk for such day, unless for good cause shown such Committee Clerk shall be excused by the Committee appointing such Clerk.

If any Committee Clerk shall, without reasonable excuse or good cause, fail to comply with the foregoing rule, such Committee Clerk shall be dismissed by the Speaker of the House or by the Chairman of the Committee by which such Clerk may have been appointed.

The Chief Clerk of the House is hereby required to report each day at the opening of the House, before the opening of the general order of business, the fact of the absence or presence of any and all Committee Clerks.

FRANK E. CORBETT Speaker.

ROGER E. SKELLY Chief Clerk

Moved by Connor of Cascade that the report be adopted as read.

Amendment by Fine that the Speaker has no power to discharge any clerk.

Amendment by Baker that Fine's Amendment be laid on the table.

Amendment by Baker Carried.

Original motion Carried.

### PETITIONS.

Remonstrance from S. C. Kenyon and 75 others in regard to licensing gambling and gambling Houses.

Petition from Carbon Co. asking the Seventh Legislative Assembly to enact a law which shall prevent the use of streams as Waste-courses for carrying off of Coal Slack and other refuse matter.

Petition placed on file and referred to Committee on Fish and Game.

### NOTICES.

Notices of introduction of bills were as follows:

By Patterson: A bill to amend Section 1830, Article III, of the Political Code;

Also a bill to amend Sections 4766 of Article II, Chapter III, Title III, Part 4, of the Political Code in regard to designation of Police Judge by Town Council.

By Dixon: An Act entitled, "An Act for the investment of University Bond Funds in proper securities.

Also: An Act entitled "An Act to provide for erection, completion, furnishing and equipment of buildings for the University of Montana."

### REPORTS OF STANDING COMMITTEES

Helena, Montana, February 1st, 1901.

Mr. Speaker:--We, your committee on Engrossing beg leave to report that we have appointed Miss Theo. Blackstone and Miss Lillian Rolfsen as clerks.

B. F. MYERS Chairman.

Moved by Baker that the report be rejected.

Motion Carried.

Helena, Montana, Febry, 1st, 1901

Mr. Speaker:--Your committee on Insurance to whom was referred House Bill No. 52, entitled an act to amend Sec. 681, Art. 3, Title 4, Chapter 1 of the civil code of the state of Montana, beg leave to report that they have considered the same and report the bill back to the house with the recommendation that it do pass

SWINDLEHURST Chairman.

Report adopted and H. B. No 52 referred to printing Committee.

Helena, Mont. February 2, 1901

Mr. Speaker: Your Committee on Education, to whom was referred H. B. No. 36, A Bill for an act to amend Section 1757 of the Political Code relating to Apportionment of Money to School Districts, respectfully report the said Bill back to the House with a recommendation that it do not pass.

S. R. JENSEN, Chairman.

Report adopted and H. B. No 36 placed on file.

Helena, Mont. February 2, 1901

Mr. Speaker: Your Committee on Education, to whom was referred H. B. No. 60, A Bill for an act entitled an act to amend Section 1810 of the Political Code of Montana in reference to Issuance of School District Bonds, respectfully report the said Bill back to the House with a recommendation that it do pass.

S. R. JENSEN, Chairman.

Report adopted and H. B. No 60 referred to printing Committee.

Helena, Montana, February 2nd, 1901.

Mr. Speaker:--Your Committee on State Institutions and Public Buildings beg leave to report Senate Bill No. 16 back to the House with the recommendation that it do pass as amended.

URQUHART Chairman.

Report adopted and S. B. No 16 referred to printing Committee.

Mr. Speaker:--Your Committee on Enrollment reports H. B. No. 1. correctly enrolled.

MacGINNISS Chairman.

Report adopted and placed on file.

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 48, being a bill appropriating fifty thousand dollars for an exhibition at the Pan American Exposition, having considered the same, report it back to the House with the recommendation that it do not pass.

EMERSON HILL, Chairman.

Report adopted and H. B. No 48, placed on file.

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 14, being a bill appropriating money for the relief of the State Deaf Dumb and Blind Asylum, having considered the same, report it back to the House with the recommendation that it pass as amended.

EMERSON HILL, Chairman.

Report adopted and H. B. No 14 referred to printing Committee as amended.

### INTRODUCTION OF BILLS.

the following bills were introduced:

H. B. No. 81 by Ferry. A Bill for an Act to provide for the payment of employes semi-monthly, and to prevent the assignment by an employe of any future earnings, and providing a penalty for the violation thereof.

H. B. No. 82, by Dixon: An Act entitled, "An Act to provide for the investment of the University Bond Fund in proper securities."

H. B. No. 83, by Dixon: An Act entitled, "An Act to provide for the erection, completion, furnishing, and equipment of buildings for the University of Montana."

H. B. No. 84 by Donaldson: A Bill for an Act entitled, "An Act to regulate common carriers, and to create a railroad commission for the State of Montana, and defining the powers and duties of such commission in relation to common carriers.

H. B. No. 85, by Gregory: An Act to prevent all persons (owning) owning or operating a coal mine on the bank of a stream, containing fish or water which is used for domestic purposes, or for irrigation, from depositing coal slack or other refuse from such mine in such stream, and for fixing the penalty for failure to comply with the law.

Dixon asked consent to introduce a bill without giving notice.

There being no objection privilege was granted.

Gregory asked consent to introduce a bill without giving notice.

There being no objection privilege was granted.

#### READING OF HOUSE BILLS.

reading of House Bills a first and second time were as follows:

H. B. No. 81, read a first and second time, Referred to Committee on Labor.

H. B. No. 82, read a first and second time, Referred to Committee on State Institutions.

H. B. No. 83, read a first and second time, Referred to Committee on State Institutions.

H. B. No. 84, read a first and second time, Referred to Committee on Railroads and Transportations.

H. B. No. 85, read a first and second time, Referred to Committee on Mines and Mining.

Mr Speaker announces that he is about to sign H. B. No 1, and does so in the presence of the House.

February 2, 1901

Mr Speaker: The following pair on U. S. Senator is arranged for Monday February 4, 1901

M. P. GILCHRIST  
GEORGE T. BAGGS

Moved by Roland that the House take a recess until 12 o'clock M.

Motion Carried.

12. o'clock M .

House Resumes.

Mr Speaker in the Chair.

The Honorable, the Senate, entered the House, were received, and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Feb. 2, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Courtney, Murray, Myers—4.



For Cooper—Conrow, Gruwell, Hoffman, Tierney—4.

For MacGinniss—Kennedy, Warner—2.

For Hoffman—Clark, Connolly, Cullen—3.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll, of the House when the following vote was announced.

For Mantle—Baggs, Becker, Brownlee, Connor of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Patterson, Roland, Shanley, Stull—20.

For Frank—Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Killgallon, Madden, Rosman, Sullivan of Lewis and Clarke, Urquhart, White, Corbett—14.

MacGinniss—Adkins, Axtell, Cram, Donaldson, Hartwig, McDonald, Meunier—7.

For Pelletier—Conner of Cascade, Crawford, Lannin, Lewney, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Conrad—McDonnell, Pelletier, Wood—3.

For Spriggs—Fitzpatrick, Jensen—2.

For Hoffman—Fine, Toole—2.

For Clements—Sanden—1.

For Toole—MacGinniss—1.

For Clancy—Ferry—1.

Absent and not voting—Bielenberg, Bourne, Dee, McTague, Newton, Sullivan of Silver Bow—6.

The President announced the vote of the Joint Session as follows

Lee Mantle .....	29
H. L. Frank .....	18
Walter Cooper .....	9
John MacGinniss .....	9
F. J. Pelletier .....	7
C. W. Hoffman .....	5
W. G. Conrad .....	4
A. E. Spriggs .....	2
J. K. Toole .....	1
J. M. Clements .....	1
William Clancy .....	1

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The President announced that no one having received a majority of all the votes cast there is no election.

Moved by Worden that the Joint assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Helena, Montana, February 1,

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 68. By Kennedy: A Bill for an act amending section 4 of the session laws of the Legislative assembly of Montana relating to the salaries of the commissioner of the bureau of agriculture labor and industry and the chief clerk (in) of said bureau.

Respectfully

C. A. WHIPPLE Sec.

Mr. Speaker I move you that the House resolve itself in Committee of the whole to Consider Bills Nos 25, 9, and 18.

CONNOR of Cascade.

Motion Lost.

#### MESSAGES FROM THE GOVERNOR.

February 2nd., 1901.

To the Speaker of the House of Representatives, State of Montana:—

I have the honor to inform the House of Representatives that I have to-day approved H. B. No. 1, entitled "An Act for the protection of the health of men employed in underground mines and in smelters, stamp mills, sampling works, concentrators, or any works where ores are mined or re-

duced, by regulating their hours of employment and providing penalties for the violation thereof.” Very respectfully, J. K. TOOLE Governor.

Message placed on file.

Helena, Montana, Feby 1st 1901

Mr Speaker: Your Committee on Enrollment respectfully report that we have this date at the hour of eleven o'clock and forty minutes A. M. delivered to his excellency the Governor H. B. No. 1 An Act for the protection of the Health of men employed in underground mines and in smelters stamp mills, sampling works, concentrators or any works where ores are mined or reduced, By regulating their hours of employment and providing penalties for the violation thereof, and that he signed it immediately.

MacGINNISS Chairman

Report of Enrollment Committee placed on file.

Moved by Hill that the House adjourn until 10.30 A. M. Monday Feb 4th 1901.

Amendment by Stull that the House adjourn until 11. A. M. Monday Feb. 4th 1901.

Amendment Carried.

Mr Speaker declared the House adjourned until 11. A. M. Monday Feb 4th 1901.

ROGER E. SKELLY Chief Clerk.

FRANK E. CORBETT Speaker.

## TWENTY-NINTH DAY

House of Representatives

Helena Feb. 4, 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

A remonstrance from Louise U. Barstow and 40 others protesting against the Tierney Gambling Bill.

Petition was placed on file.

### NOTICES OF INTRODUCTION.

Notices of Introduction of Bills were as follows:

By Faust: A Bill for an act for the establishment of a uniform system of road government and administration in the Counties of Montana.

By Kilgallon: A Bill for an act relative to number and compensation of assistant and deputy county Attorneys.

Also: A Bill for an act entitled an act to amend Sections 1, 2, 3, 5, 6, 7, 8, 12, 16, 17, 19, and 21 of an act of the Fifth Legislative Assembly of Montana entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game"; "Approved March 8th, 1897."

By Adkins: A Bill entitled "A Bill for an act to amend Section 4635 of the Political Code of Montana, relating to the fees of the County Clerk and ex-officio Recorder."

Also: A Bill entitled "A Bill for an act to amend Section 4653 of the Political Code of Montana, providing for compensation of witnesses in Courts not of record in criminal actions and on coroners inquests".

### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 4 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House

Bill No. 16 and amended S. B. No 4. respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and S. B. No 4 and H. B. No 16. placed on general orders.  
Helena, Montana, Feb 2 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill Nos 51, 35 and House Joint Mem. No. 1.—49 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B. No's 51, 35 and 49 and House Joint Memorial No 1 placed on general orders.

#### INTRODUCTION OF BILLS.

The following Bill was introduced:

H. B. No. 86. by Stull: A Bill for an act to create a Board for the selection and purchase of a site for the Hospital for the Insane of the State of Montana and defining the duties and powers of said Board.

#### READING OF HOUSE BILLS.

H. B. No. 86. Read a 1<sup>st</sup> and 2<sup>nd</sup> time Referred to appropriating Committee

Moved by Lannin that the House go into the Committee of the Whole for consideration of H. B.'s No's 46, 21, and 25.

Motion Carried.

MacGinnis in the Chair.

House Resumed.

Mr. Speaker in the Chair.

MacGinnis, Chairman of the Committee of the Whole, made the following report.

Mr Speaker Your Committee of the whole having had under consideration H. B. No. 21 25 & 46 report same back with recommendations that same do pass as printed.

MacGINNISS Chairman.

Moved by Hedges that the report be adopted.

Motion Carried.

Moved by Baker that the House resolve itself into a Committee of the whole.

Substitute motion by Lannin that Baker's motion be laid on the table.

Substitute motion Carried.

The Honorable, the Senate, entered the House, were received, and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Feb. 4. 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Vove his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the President (Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

Frank—Courtney, Murray—2.

Cooper—Conrow, Hoffman, Tierney—3.

MacGinniss—Kennedy, Warner—2.



Hoffman—Clark, Connolly, Cullen—3.

Conrad—Myers, Stanton—2.

Cruse—Biggs, Mahon—2.

Absent and not voting—Gruwell and Phillips.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Berkin, Brein, Cannon, Geary, Hill, Kilgallon, Rosman, Toole, White, Corbett—10.

For MacGinniss—Axtell, Fine, Fitzpatrick, McDonald, Meunier—5.

For Cruse—Adkins, Baker, Connor of Cascade, Cram, Donaldson, Hartwig, Lannin, Lewney, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan, of Lewis and Clarke, Urquhart—15.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Conrad—McDonnell, McTague—2.

For Toole—MacGinniss—1.

For Clancy—Ferry—1.

Absent and not voting—Baggs, Crawford, Dee, Gilchrist, Jensen, Madden, Sullivan of Silver Bow, Ward and Wood.

The President announced the vote of the Joint Session as follows.

Lee Mantle .....	30
Thomas Cruse .....	17
H. L. Frank .....	12
Walter Cooper .....	8
John MacGinniss .....	7
W. G. Conrad .....	4
C. W. Hoffman .....	3
J. K. Toole .....	1
William Clancy .....	1
	—
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The President announced that no one having received a majority of all the votes cast, there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the hall of the House.

Motion Carried.

Moved by McDonnell of Jefferson that the House take a recess until 2:30 P. M.

Motion carried.

Mr. Speaker declares the House adjourned until 2:30 P. M.

2:30 o'clock P. M.

House Resumes.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Moved by Baker that the House suspend the regular order of business and the House go into a Committee of the Whole.

Motion Carried.

Moved by Metlen that the House go into the Committee of the Whole for consideration of H. B. No's 9, 18, and 23.

Motion Carried.

The House then resolved itself into a Committee of the Whole for consideration of H. B. No's 9, 18 and 23.

Swindlehurst in the Chair.

House Resumes.

Mr Speaker in the Chair.

Swindlehurst Chairman of the Committee of the whole made the following report.

Mr. Speaker:—The Committee of the Whole beg leave to report that they have considered House bills No. 9. Substitute for house bill No. 23 and house bill No. 18 and recommends as follows: That house bill No. 9 be indefinitely

postponed and that Substitute for house bill No. 23 and house bill No. 18 do pass. SWINDLEHURST.

Moved by Hedges that the report be adopted.

Amendment by MacGinniss that H. B. No's 9 23 and 18 do pass.

Substitute motion of the whole by Toole that the House Act upon each Bill separately.

Toole's Substitute Motion Carried.

The report of the Chairman of the Committee of the whole was adopted.

Moved by McTague that the House adjourn until 11. o'clock A. M. Feb 5 1901.

Motion Carried.

Mr Speaker declares the House adjourned until 11. o'clock A. M. Feb 5 1901. ROGER E. SKELLY Chief Clerk.

FRANK E. CORBETT Speaker.

## THIRTIETH DAY

House of Representatives.

Helena Mont. Feb 5, 1901.

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of previous day was read and approved.

### NOTICES.

The Speaker requests permission of the House to Cancel the appointment as Speakers Clerk of Miss Elizabeth McEverly—on the ground that no such Clerk appears at this time to be necessary.

And if this permission be granted said Speakers Clerk is by the Speaker discharged from and after this day. FRANK E. CORBETT Speaker

Moved by Baker that permission be granted Mr Speaker, as requested.

Amendment by Richardson that the clerk be transferred to the Corps of the Chief Clerk.

Amendment carried by the following vote.

Ayes—Adkins, Axtell, Berkin, Bielenberg, Bourne, Connor of Cascade Co., Cram, Crawford, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hedges, Lehman, Lowney, MacGinnis, McDonnell of Jefferson, McTague, Meunier, Myers, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, White, Woods—37.

Noes—Baker, Berkin, Erein, Brownlee, Cannon, Dixon, Donaldson, Gilchrist, Hartwig, Hill, Jensen, Jones, Kilgallon, Martin, McCone, McDonnell of Deer Lodge, McTague, Metlen, Murray, Newberry, Rossman, Sanden, Shanley, Thoroughman, Mr. Speaker—25.

Absent and not voting—Baggs, Connor of Ravalli, Dee, Madden, Lannin, Sullivan of Silver Bow, Toole, Ward—8.

Notices of the introduction of Bills were as follows:

By Gregory: A Bill for an act entitled an act to regulate the screening of coal when miners wages are determined by weight of coal after screening and providing penalties for (its) the violation thereof.

By Hartwig: A Bill for an act to amend Section 380 of the Political Code of Montana relating to kidnapping.

### REPORTS OF STANDING COMMITTEES.

Helena, Mont. February 5, 1901

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 73, by Bielenberg, respectfully report said Bill back to the House with a recommendation that it do pass.

R. P. THOROUGHMAN, Chairman.

The report was adopted and H. B. No 73 was referred to printing Committee.

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 71, after a consideration thereof, report the same back to the House with the recommendation that it do not pass.

EMERSON HILL, Chairman.

The report was adopted and H. B. No 71 was placed on file.

Helena, Montana, Feb. 5, 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bills Nos 60, 14, 52 and Senate Bill No. 16, respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report was adopted and H. B. No's 60, 14, 52 and S. B. No 16 was placed on general orders.

Mr. Speaker:—Your Committee on Labor having had under consideration House Bill No. 22, would recommend that it be sent to the Judiciary Committee.

HENRY LEWNEY Chairman.

The report was adopted and H. B. No 22 was referred to Judiciary Committee.

Helena, Mont. February 5, 1901

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 74, by Bielenberg, respectfully report said Bill back to the House with a recommendation that it do pass.

R. P. THOROUGHMAN, Chairman.

The report was adopted and H. B. No. 74 was referred to printing Committee.

Helena, Montana, Feb 5 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 57 and Reprint of 400 additional Copies of H. B. No. 12, respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

The Report was adopted and H. B. No 57 was placed on general orders.

Helena, Montana, February 5th, 1901.

Mr. Speaker:—Your Committee on Military Affairs to whom was referred Senate Bill No. 5, introduced by Courtney, beg leave to report that we have concurred in the same, and recommend that it do pass.

McINTIRE Crairman.

Report was adopted and S. B. No 5 placed on general orders.

Helena, Mont. February 5, 1901

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 78, by Connor of Ravalli, respectfully report said Bill back to the House for an indefinite postponement.

R. P. THOROUGHMAN, Chairman.

Report adopted and H. B. No 78 was indefinitely postponed.

Mr. Speaker:—The committee on Labor having under consideration House Bill No. 8, introduced by F. Sanden would recommend the following amendment:

To Section I part first, that the words "a special" be scratched out and the word "general" be inserted; we also recommend that all of line 3 part first, after the word "election" be scratched out. We also recommend that the word "three-fourths" in part second be scratched out, and the word "majority" inserted; and we further recommend that in all parts the figure "5 per cent" be scratched out and the figure "10 per cent" be inserted.

With these amendments we recommend that the Bill do now pass.

HENRY LEWNEY Chairman.

Report adopted and H. B. No. 8, as amended referred to printing Committee.

Helena, Montana, Feb. 4th, 1901.

Mr. Speaker:—Your Committee on Labor beg leave to introduce as a substitute the following Bill hereto attached for "House Bill" 34, introduced by Pelletier.

We recommend that the same do pass. HENRY LEWNEY Chairman.

Report adopted and substitute for H. B. No 34 referred to printing Committee.



## THIRD READING OF HOUSE BILLS.

Moved by Baker that all Bills that passed the House yesterday, go to Committee on engrossing.

Substitute motion that the rules be suspended and that H. B.'s No's 46-21-25-18 and Substitute for H. B. 23 be considered engrossed and they go to 3rd reading.

On receiving two thirds vote of the House the rules were suspended, and H. B's Nos 46, 21, 25 18 and substitute for H. B. No 23, were placed on their 3rd reading.

H. B. No. 46 read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pen-dergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Urquhart, White, Woods, Mr. Speaker—65.

Noes—None.

Absent and not voting—Dee, Stull, Sullivan of Silver Bow, Toole and Ward—5.

Mr Speaker ordered the Chief Clerk to transmit H. B. No. 46 to the Senate for (there) concurrence.

Moved by McTague that the House take a recess for five minutes.

Motion Lost.

The Honorable, the Senate, entered the House, were received, and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

## House of Representatives.

Helena, Mont., Feb. 5 1901

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock Noon.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Vove his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Courtney, Murray—2.

For Cooper—Conrow, Hoffman—2.

For Macginniss—Kennedy, Warner—2.

For Hoffman—Clark, Cullen—2.

For Conrad—Myers, Stanton—2.

For Coburn—Connolly, Mahon, Tierney—3.

For Cruse—Biggs—1.

Absent and not voting—Gruwell & Phillips.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of

Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Kilgallon, Pendergrass, White, Corbett—11.

For MacGinniss—Adkins, Axtell, Conner of Cascade, Crawford, Fine, Fitzpatrick, McDonald, McDonnell, McTague, Meunier, Pelletier, Sanden—12.

For Cruse—Baker, Cram, Donaldson, Hartwig, Jensen, Launin, Sullivan of Lewis and Clarke, Urquhart—8.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Spriggs—Ferry, Lewney—2.

For Coburn—Quinn, Richardson—2.

For Conrad—Wood—1.

For Toole—MacGinniss—1.

Absent and not voting—Dee, Madden, Toole, Ward—4.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
John MacGinniss .....	14
H. L. Frank .....	13
Thomas Cruse .....	9
Walter Cooper .....	7
Robert Coburn .....	5
W. G. Conrad .....	3
C. W. Hoffman .....	2
A. E. Spriggs .....	2
J. K. Toole .....	1
Total ... ..	87

The President announced no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried, and Senate retired.

Moved by Fine that the House take a recess until 2.30 P. M.

Motion Carried.

Mr Speaker declares the house adjourned until 2.30 P. M.

2.30 o'clock P. M.

House resumes.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

### THIRD READING OF HOUSE BILLS.

H. B. No 21. Read 3rd time placed on its final passage and Lost by the following vote.

Ayes—Axtell, Becker, Crawford, Ferry, Fine, Fitzpatrick, Kilgallon, Lanin, Lowney, MacGinnis, McDonnell of Deer Lodge, McDonnell of Jefferson, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Swindlehurst—19.

Noes—Adkins, Baggs, Baker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Donaldson, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Lehman, Martin, McCone, McIntyre, McTague, Meflen, Murray, Myers, Newberry, Newton, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Urquhart, White, Wood, Mr. Speaker—44.

Absent and not voting—Dee, Madden, Patterson, Sullivan of Silver Bow, Thoroughman, Toole, Ward—7.

H. B. No. 25 Read 3rd time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lanuin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge,

McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Swindlehurst, Urquhart, White, Woods, Mr. Speaker—60.

Absent and not voting—Dee, Godfrey, Madden, McDonnell of Jefferson, Patterson, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Toole, Ward—10.

Mr Speaker ordered the Chief Clerk to transmit H. B. No. 25 to the Senate for concurrence.

Substitute for H. B. No 23 was read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Urquhart, White, Woods, Mr. Speaker—63.

Noes—None.

Absent and not voting—Dee, Geary, Madden, Sullivan of Silver Bow, Thoroughman, Toole, Ward—7.

H. B. No. 18 Read a 3rd time and placed on its final passage and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Urquhart, White, Woods, Mr. Speaker—63.

Noes—None.

Absent and not voting—Dee, Madden, Patterson, Sullivan of Silver Bow, Thoroughman, Toole, Ward—7.

### THIRD (FIRST) READING OF SENATE BILLS.

Moved by Martin that the rules be suspended and S. B's be read 1st and 2nd time by title only.

Motion Carried.

The rules were suspended by a vote of 46 for and 11 against.

S. B. No. 28. Read a 1" and 2" time and Referred to Judiciary Committee.

S. B. No. 31. Read a 1" and 2" time and Referred to Judiciary Committee.

S. B. No. 33. Read a 1" and 2" time and Referred to Committee on Corporations other than Municipal.

S. B. No. 49. Read a 1" and 2" time and Referred to Committee on Labor.

S. B. No. 17. Read a 1" and 2" time and Referred to Committee on Agriculture and Stock.

S. B. No. 55 Read a 1" and 2" time and Referred to Committee on Ways and Means.

S. B. No 12. Read a 1" and 2" time and Referred to Committee on Agr and Stock.

S. B. No. 50 Read a 1" and 2" time and Referred to Committee on Railway and Transportation.

S. B. No 6 Read a 1" and 2" time and Referred to Committee on Ways and Means.

### INTRODUCTION OF BILLS.

The introduction of Bills were as follows:

H. B. No. 87, by Patterson: An act to amend Section 4766, Article II, Chapter III, Title III, Part IV of the Political Code of the State of Montana.

H. B. No. 88, by Kilgallon: A Bill for an Act entitled an Act to amend



Sections 1, 2, 3, 5, 6, 7, 8, 12, 16, 17, 19, and 21 of an Act of the Fifth Legislative Assembly of Montana, entitled "An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 of the Penal Code of the State of Montana and to provide further protection to birds, fish, fur bearing animals and game." "Approved March 8th, 1897.

H. B. No. 89, by Kilgallon: A Bill for an Act entitled "An Act relative to number of assistant and deputy county attorneys in counties of first and second class and allowing county commissioners to fix the compensation thereof.

H. B. No. 90, by Faust: A Bill for an act for the establishment of a uniform system of road government and administration in the counties of Montana.

H. B. No. 91, by Patterson: An Act to amend Section 1830 of the Political Code relating to the duties of Clerks of School Districts.

### READING OF HOUSE BILLS.

The following Bills were read first and second time.

H. B. No. 87, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 88, read a first and second time. Referred to Committee on Fish and Game.

H. B. No. 89, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 90, read first and second time. and Referred to Committee on Highways.

H. B. No. 91, read a first and second time. Referred to Committee on Education.

On motion (by) of Patterson the House adjourned until 10.30 o'clock tomorrow (Feb 6, 1901).

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## THIRTY-FIRST DAY

House of Representatives.

Helena Mont Feb 6 1901

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain

The Journal of the previous day was read and approved

### PRESENTATIONS OF PETITIONS.

A petition from A. W. Miller and 35 others requesting the proposed amendment to the Game Law not to pass.

Petition placed on file and referred to Committee on Fish and Game.

### NOTICES.

Notices of the introduction of Bills were as follows:

By Gilchrist: A Bill for a act entitled an act to amend Section 670 of the Civil Code of the State of Montana relating to Stock and Mutual Insurance Companies.

Also—A Bill entitled an act to amend Section 8 of House Bill 258, approved March 4, 1897, relating to fire insurance companies.

Also—A Bill entitled an act to amend Section 1632 of the Code of Civil Procedure relating to issuing executions upon judgments in justice courts and docketed in the office of the Clerk of the District Court.

By Conner of Cascade: A Bill amending Section 950, sub-division 5 relating to appointment of receivers.

By Baker: A Bill for An Act to provide traveling expenses for County Assessors while making the annual assessment.

By Wood: An act to protect livery men and livery stable keepers in the State of Montana from being defrauded of their compensation for the use of animals and vehicles let to hire by them and making it a misdemeanor to hire or obtain from any liveryman or livery stable keeper of said State any animal or vehicle without payment for the use thereof unless otherwise agreed.

#### REPORTS OF STANDING COMMITTEES.

Reports of Standing Committees were as follows.

Helena, Montana, Feb. 5, 1901.

Mr. Speaker:—Your Committee on Mines and Mining having had under consideration House Bill No. 69, entitled an Act providing for the granting of options by guardians upon mining claims, and for sale and conveyance of the same pursuant to the terms thereof, beg leave to report the same back to the House with the recommendation that it be referred to the Judiciary Committee.

T. S. KILGALLAN, Chairman.

Moved by MacGinnis that the report be adopted and H. B. No 69, be referred to Judiciary Committee.

Motion Carried.

Helena, Montana, February 5th, 1901.

Mr. Speaker:—Your committee on State Institutions and Public Buildings beg leave to report House Bill No. 82 back to the House with recommendation that the Chief Clerk authorize the Clerk of this Committee to have this Bill type written.

URQUHART, Chairman.

Report adopted and placed on file.

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 86, after a consideration thereof, report the same back to the House with the recommendation that it do pass as amended by this Committee.

EMERSON HILL, Chairman.

Report adopted and placed on file.

Moved by MacGinnis that H. B. No 86 be referred to Committee on State Institutions.

Motion Carried.

Moved by Stull that the Committee be required to report back in three days.

Motion Carried.

Helena, Montana, Feb. 6, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 80, entitled "An Act to Amend Section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an Act entitled 'An Act to Amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to Add to Article II, Chapter XII, Title X, Part III of the Political Code, a Section to be numbered 4084, regarding Licenses,' Approved March 6, 1897, and to amend Section 4064 of the Political Code of Montana, Relating to Licenses," beg leave to report the same back to the House with the Recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 80 Referred to printing Committee.

Helena, Montana, Feb. 6, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 18, entitled "A Bill for an Act to Amend Section 672, Chapter II, Title VI, Part II, of the Code of Civil Procedure of Montana, Relating to the Joinder of Causes of Action," beg leave to report to the House that we concur in the action of the Senate, and recommend that said Bill do pass.

M. P. GILCHRIST Chairman

Report adopted and S. B. No 18 placed on general orders.

Helena, Montana, Feb. 6, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 67, entitled "A Bill for an Act to Amend Section 1510 of the Code of Civil Procedure," beg leave to report the same back to the House with the following amendment to the title of said Bill, "Relating to Summons in Justices' Courts," so that the title of said Bill shall read, "A Bill for an Act to Amend Section 1510 of the Code of Civil Procedure, Relating to

Summons in Justices' Courts; and we do recommend that said Bill as amended do pass.

M. P. GILCHRIST, Chairman.

Report adopted and H. B. No 67. as amended referred to printing Committee.

Helena, Montana, Feb. 6, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 79, entitled "A Bill for an Act to Provide for Assistants for the Office of Attorney General and Fix the Salaries Thereof," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No. 79 referred to printing Committee.

Helena, Montana, Feb. 5, 1901.

Mr. Speaker:—Your Committee on Mines and Mining having had under consideration House Bill No. 85, entitled an Act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes, or for irrigation, from depositing coal slack or other refuse from such mine in such stream, and for fixing the penalty for failure to comply with the law, beg leave to report the same back to the House with the recommendation that it do pass.

T. S. KILGALLAN. Chairman.

Report adopted and H. B. No 85, referred to printing Committee.

### INTRODUCTION OF BILLS.

Hill asked unanimous consent to introduce a bill without notice.

There being no objection the request was granted.

The following bills were introduced.

H. B. No. 92. By Hartwig: An Act to amend Section 380 of the Political Code of Montana relating to kidnapping.

H. B. No. 93. By Hill: A Bill for an act entitled an act to amend Section 4604 of the Political Code of the laws of the State of Montana, and to fix the amount of mileage payable to sheriffs of said State for transporting persons under order of any court, and fixing the duties of the Board of County Commissioners of the several counties in said State in the matter of payment of such expenses of sheriffs and prohibiting sheriffs from being concerned in the transportation of persons sentenced to be confined in certain State Institutions and in the State Penitentiary.

H. B. No. 94. By Hill: A Bill for an act entitled an act providing for the payment of cost of transporting prisoners, insane persons and others from the county in which they may have been convicted or committed to State institutions and to the Insane Asylum and to the State Penitentiary, and prescribing the manner of such transportation and the persons by whom the same shall be effected.

### READING OF HOUSE BILLS.

The following Bills were read a first and second time.

H. B. No. 92, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 93. read a first and second time. Referred to Committee on Judiciary.

H. B. No. 94. read a first and second time. Referred to Committee on Judiciary.

### MESSAGES FROM THE SENATE.

The Messages from the Senate were as follows.

Helena, Montana, February 5, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: Bills were introduced as follows:

By Geiger: Senate Bill No. 71. A Bill for an act for the establishment of a uniform system of Road Government and Administration in the counties of Montana.

Senate Bill No. 72. By Meyer of Carbon: An Act to amend an Act entitled "An Act to provide for the filing of Contracts, Notes and Instruments



for the sale of personal property where title is to remain in the vendor until purchase price is paid," Approved March 3rd, 1899.

Yours Respy

C. A. WHIPPLE Secy

Helena, Montana, Feb. 5th 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notice of Introduction of Bills were given as follows:

By Anderson: A Bill for an Act to establish farmers institutes and providing an appropriation therefor.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 5, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills Nos. 12, 17, and 55 were read a third time and passed and are herewith transmitted for your concurrence.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 4, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

By Connolly: Senate Bill No. 70. An Act to amend sections 1197, 1199 and 1200 of the Penal Code of the State of Montana.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 4, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of bills were as follows:

By Meyer of Carbon: To amend an act entitled "An Act to provide for the filing of contracts, notes and instruments for the sale of personal property where the title is to remain in the vendor until purchased price is paid and approved. March 3, (1899) 1889

Respy

C. A. WHIPPLE Secy

Helena, Montana, Feb. 2nd. 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following bills were introduced in the Senate.

S. B. No. 69, By Warner. An Act entitled an Act to protect and enhance the industry of cattle raising.

Respectfully,

C. A. WHIPPLE Secretary

Helena, Montana, Feb. 2nd. 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notice of introduction of bill was given as follows:

By Geiger: A Bill for An Act for the establishment of a uniform system of road government and administration in the counties of Montana.

Respectfully,

C. A. WHIPPLE Secretary

Helena, Montana, Feb. 4 1901

Mr. Speaker: I am directed by the Senate to inform (your honorable body,) That: Senate Bills Nos. 6, 28, 31, 33, 49 and 50, have been (read) a third time and passed and are herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secretary

#### MESSAGES FROM THE GOVERNOR.

Executive Office Helena Montana February 4th., 1901.

To the Speaker of the House of Representatives, State of Montana.

I have the honor to transmit herewith to the House of Representatives for their consideration, without recommendation, a letter from the Montana Publication Society, under date of January 31st., relative to the publication of a revised edition of the Constitution, Codes and Statutes of Montana.

Very respectfully,

J. K. TOOLE Governor.

Helena, Jan. 31st., 1901

Hon. Jos. K. Toole, Governor,

Sir:—The undersigned contemplate publishing a new and revised edition of the Constitution, Codes and Statutes of Montana, known as Sanders Edition with an appendix thereto, containing all the laws of Montana of a general nature passed to the close of the Session of 1901, with a reference to the sections of the Statutes which are modified or repealed in one royal octavo volume of about 1700 pages, printed and bound in the highest style of lawbook publications. The advantages of such a law book to the officers

of the State justify us in offering to deliver one thousand copies of such book to the executive department of Montana within sixty days from the adjournment of the present session of the Legislative Assembly at five dollars (\$5.00) per volume delivered at the Capitol of the State. Should this matter meet your approval would you be good enough to bring it to the attention of the Legislative Assembly in such manner as you shall deem best. We are Governor,

Very respectfully,

MONTANA PUBLICATION SOCIETY. by  
W. J. MacHAFFIE Secretary.

Mr Speaker As Chairman of the committee on Railroads & Transportation, I desire to make a motion that I have leave to have House Bill No. 84 Printed before going to the Committee.

BERKIN

Motion Carried.

Mr Speaker. I move that H. B. No 78, reported back from the Committee on Agriculture and Stock, for indefinite postponement, be recommitted to said committee for consideration.

CONNOR of Ravalli.

Motion Carried.

Moved by Kilgallan that the House take a recess until 12. o'clock M.

Motion Carried.

12. o'clock M.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate, entered the House, were received, and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Feb. 6, 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12. o'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous joint (session) were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the joint (assembly) announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Biggs, Courtney, Murray—3.

For Cooper—Conrow, Hoffman, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Hoffman—Clark, Cullen, Meyer—3.

For Coburn—Connolly, Mahon—2.

Conrad—Stanton—1.

Absent and not voting—Gruwell, Phillips—2.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, (Brownlee,) Conner of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbury, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hill, Kilgallan, Madden, Pendergrass, Rosman, Sullivan of Lewis & Clarke, Urquhart, White, Corbett—15.

For MacGinniss—Adkins, Axtell, Conner of Cascade, Cram, Crawford,

Donaldson, Fine, Fitzpatrick, Hartwig, Lannin, McDonald, McDonnell, McTague, Meunier, Pelletier, Sanden—16.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Spriggs—Ferry, Jensen—2.

For Coburn—Quinn, Richardson, Lewney—3.

For Conrad—Wood—1.

Toole—MacGinniss—1.

Absent and not voting—Dee, Sullivan of Silver Bow, Toole, Ward—4.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
" H. L. Frank .....	18
" John MacGinniss .....	18
" Walter Cooper .....	8
" Robert Coburn .....	5
" C. W. Hoffman .....	3
" W. G. Conrad .....	2
" A. E. Spriggs ..	1
" J. K. Toole .....	1
Total ..	88

The President announced that no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Moved by Fine that the House take a recess until 2.30 o'clock P. M.

Amendment by Faust that the House adjourn until 10.30 o'clock tomorrow Feb 7. 1901.

Amendment Lost.

Original motion Carried.

Mr. Speaker declares the House adjourns until 2. 30 o'clock P. M.

2:30 o'clock.

House Resumes.

Roll Call

Quorum Present.

Kilgallon asked unanimous consent to return to order of business No. 10. There being no objection the request was granted.

#### MOTION BY KILGALLON.

I move that the Speaker of the House be required to appoint a committee of five members of the House as a "Committee upon investigation of State Institutions and other Institutions in which the State is Interested".

And that such committee have power to investigate by personal inspection, by calling of witnesses, or otherwise, into the condition of (any) such institution or institutions.

And that such committee having been appointed, is required to examine into and report upon the condition of any and all such institutions as they may be required to investigate by a majority vote of the House.

Amendment by Stull that the House appoint the Committee.

Amendment Lost.

Original motion Carried.

#### MOTION BY KILGALLON.

I move that the Committee upon Investigation of State Institutions and other Institutions in which the State is Interested, when the same shall have been appointed, be, and said Committee is hereby, instructed to investigate and report without delay the condition of affairs existing at the Insane Asylum at Warm Springs, and at the State Penitentiary at Deer Lodge, and to report to the House such condition, with recommendations.

Motion Carried.

Patterson will give notice tomorrow in regards to smoking.

Mr. Speaker I move that we now go into the Committee of the whole for the consideration of House Bills Nos. 27 41 and 53. S. R. JENSEN



Motion Carried.

Swindlehurst in the Chair.

House Resumes.

Mr Speaker in the Chair.

Swindlehurst chairman of Committee of the whole made the following report.

Mr. Speaker:—The committee of the whole having considered House bills Nos. 27, 41 and 53 and recommend as follows:

1st That the enacting clause of House bill No. 27 be stricken out

2nd That we recommend that house bill No. 41 be recommitted to the committee from which it was reported for the purpose of amendment:

3rd That we recommend that house bill No. 53 do pass.

SWINDLEHURST

Moved by Hedges that the report of the Chairman of the Committee of the whole in regards to H. B.'s Nos 41 and 53 be adopted.

Amendment by Myers that the report be adopted in its entirety.

Substitute motion by Baggs that each Bill be acted upon separately.

Substitute Motion Carried.

Moved by Connor of Cascade that the report of the Committee of the whole in regards to H. B. 53 be adopted.

Motion Carried.

Moved by Newton that the report of the Committee in regards to H. B. 27 be adopted.

Substitute motion by Hedges that the report be not adopted.

Substitute motion carried by the following vote.

Ayes—Adkins, Axtell, Bielenburg,, Bourne, Brownlee, Connor of Cascade Co., Connor of Ravalli, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Lowney, MacGinnis, Madden, McCone, McDonnell of Jefferson, McIntyre, Meunier, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Shauley, Stull, Sullivan of Lewis & Clarke, Urquhart, Ward—39.

Noes—Baggs, Baker, Becker, Berkin, Brein, Cannon, Cram, Gilchrist, Hill, Jensen, Jones, Kilgallon, Martin, McDonnell of Deer Lodge, Metlen, Murray, Myers, Newberry, Newton, Roland, Rossman, Swindlehurst, Thoroughman, White, Woods, Mr. Sperker—26.

Absent—Dee, Lehnman, Sullivan of Silver Bow, McTague and Toole—5.

H. B. No 27 placed on general orders.

Moved by Baggs that the report of the Committee in regards to House Bill No 41, be adopted.

Motion Carried.

Moved by Hedges that the House go into the Committee of the whole for the consideration of House Bill No. 27

Motion Lost.

Moved by Sullivan that the House adjourn until 10.30 tomorrow Feb 7, 1901.

Motion Carried.

Mr. Speaker declares the House adjourned until 10.30 tomorrow Feb 7, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## THIRTY-SECOND DAY

House of Representatives.

Helena Mont. Feb. 7, 1901.

House met pursuant to adjournment at 10.30. A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

Helena, Mont., Feb. 7th., 1901.

The Speaker of the House announces that he hereby appoints as the Committee upon investigation of State institutions and other institutions in which the State is interested the following members:

J. H. Urquhart of Lewis and Clarke, David Metlen of Beaverhead, C. D. Newberry of Custer, John Bielenberg of Deer Lodge and J. Meunier (of Silver Bow)

FRANK E. CORBETT Speaker.

#### PRESENTATION OF PETITIONS.

Remonstrances from W. D. Clark and 20 others asking the Legislature not to repeal the gambling law.

#### NOTICES.

Notices of introduction of Bills were as follows:

By Adkins: A Bill to amend Section 541 of the Code of Civil Procedure relating to limitation of Actions.

Also—A Bill to amend Section 513 of the Code of Civil Procedure relating to limitation of Actions.

By Newton A Bill for an act declaring forfeited to the State \$30,000.00, deposited with the State Treasurer by an investigating Committee of the Sixth Legislative Assembly and converting same into the Income School Fund of the State to be apportioned and distributed among the several School Districts of the State as other monies in said Fund are apportioned and distributed.

#### REPORT OF STANDING COMMITTEES.

February 7, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 28, entitled "A Bill for an Act to Amend Section 925, Part II, Title VII, Chapter IV, of the Code of Civil Procedure, Relating to Attachment and Garnishment," report the same back to the House with the recommendation that said Bill be printed. M. P. GILCHRIST Chairman.

Report adopted and Senate Bill 28, was referred to printing Committee.

Mr. Speaker: The Judiciary Committee, to whom was referred H. B. No. 89, entitled "A Bill for an Act entitled 'An Act Relative to Number of Assistants and Deputy County Attorneys in Counties of First and Second Class, and Allowing County Commissioners to Fix the Compensation Thereof,' report to the House that we recommend said Bill for passage.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No. 89, referred to printing Committee.

Mr. Speaker: We, your Committee on Judiciary, to whom was referred H. B. No. 87, entitled "An Act to Amend Section 4766, of Article II, Chapter III, Title III, Part IV, of the Political Code of the State of Montana, in regard to Designation of Police Judge by Town Council," recommend that the order of the last two clauses be reversed, and that said Bill as so changed do pass.

M. P. GILCHRIST Chairman.

Report adopted and as amended (H. B. No 87) referred to printing Committee.

Mr. Speaker: Your Committee on Ways and Means, having had under consideration H. B. No. 32, introduced by Baggs, entitled "An Act to Amend Section 3690, Chapter III., Title X., of the Political Code, Relating to Assessment of Property"; and also House Bill No. 43, introduced by Hill, entitled "A Bill for an Act to Provide a Montana Board of Commissioners for the Pan-American Exposition, and Other Officers, for the Collection, Exhibition and Maintenance of the Products, Resources and Developments of the State of Montana at the Pan-American Exposition of 1901, to be held at Buffalo, New York, and to Prescribe the Powers and Duties of such Board and Officers", beg leave to report the said bills back with the recommendation that they do pass.

MacGINNISS Chairman.

Report adopted and H. B. No's 32 and 43 referred to printing Committee.

(Mr. Speaker: Your Committee on Judiciary, to whom was re-referred H. B. No. 41, entitled "A Bill for an Act entitled 'An Act to Amend Section 2131 of the Code of Civil Procedure, Relating to Filing Liens of Mechanics

and Others Upon Real Property," beg leave to report that we have complied with the instructions of the Committee of the Whole, and have added to said Bill a repealing clause, and clause providing that said Bill shall be in full force and effect after its passage and approval by the Governor.

M. P. GILCHRIST Chairman.

Report adopted and as amended H B No 41 was referred to the engrossing Committee.)

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 64, entitled "A Bill for an Act to Increase the Number of Supreme Court Justices to Five, and to Provide for Their Appointment and Election, and to Fix the Salaries of the Justices of the Supreme Court, and to amend Section 12 of the Code of Civil Procedure," beg to recommend that said Bill be amended by adding after the last word in Section 3, the following words: "And provided that both of said judges so to be appointed shall not be of the same political party." We recommend that said Bill as amended do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 64. (as amended) referred to engrossing Committee.

Mr. Speaker: Your Committee on Public Institutions at a meeting held on the 6th of February, 1901, moved and seconded, and carried, that it was the sense of this Committee that they concur in the recommendations of the Committee on Appropriations heretofore made to the House on House Bill No. 14.

URQUHART, Chairman.

Report adopted.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 31, entitled "A Bill for an Act to Amend Section 917 of the Political Code of the State of Montana Relative to the Official Bond of a Notary Public," beg leave to report to the house that we concur in the action of the Senator, and recommend that said Bill do pass.

M. P. GILCHRIST Chairman.

Report adopted and S B. No 31, placed on 3rd reading.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred H. B. No. 37, introduced by Hartwig, entitled "An Act to Amend Section 3926 of the Political Code of Montana, Relating to Sale of Tax Certificates for Lands Purchased by the County at Tax Sales", beg to report the same back with an amendment and recommend that as amended the bill do pass.

MacGINNISS Chairman.

Report adopted and H. B. No 37, was referred to printing Committee.

Mr. Speaker: The Committee on Judiciary, to whom was referred H. B. No. 75, entitled "A Bill for an Act entitled 'An Act to Amend Sections 513 and 514, Chapter III, Title II, Part II, of the Code of Civil Procedure, beg to recommend that the title of said Bill be amended by adding after the last word thereof the words "Relating to the Limitation of Time Within Which Actions may be Brought"; and also that a repealing clause be added to said Bill; and we do recommend that said Bill as amended do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 75 ordered engrossed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 76, entitled "A Bill for an Act entitled 'An Act to Regulate the Deposit of State and County Funds in Banks, to Provide for the Security Thereof and for the Payment of Interest Thereon.'" beg leave to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 76 was referred to printing Committee.

Helena, Montana, Feby. 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bills No's 8, 73 and 74 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B.'s No 8, 73 and 74 placed on general orders.

Mr. Speaker: Your Committee on Ways and Means to whom was referred Senate Bill No. 27, introduced by Myers, entitled "An Act to Amend Section No. 3873, of the Political Code of Montana, relating to the Publica-



tion of Delinquent Taxes and to Make the Same More Explicit", report the said bill back with the recommendation that it be concurred in.

MacGINNISS Chairman.

Report adopted and S. B. No 27, placed on third reading.

Mr. Speaker: Your Committee on Ways and Means, having had under consideration Senate Bill No. 26, by Myers, entitled "An Act to Provide for the Publication of Occupation License Moneys Collected by County Treasurers", beg leave to report the same back with the recommendation that it be concurred in.

MacGINNISS Chairman.

Report adopted and S. B. No 26 placed on 3rd reading.

Mr. Speaker:—Your Committee on Townships and Counties have had under consideration House Bill No. 47 for an act to change the boundaries of Missoula County and alter the boundaries of Granite County to conform therewith and beg leave to report the same back with recommendations that it be indefinitely postponed.

J. E. MARTIN Chairman.

Report adopted and H. B. 47 was indefinitely postponed.

Helena, Mont. Feb. 7th., 1901.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Senate Bill No. 14 Introduced by Murray for An Act to Amend Section 3213 of the Political Code of Montana, relating to the County Poor Farm and report that we recommend concurrence in the same.

J. E. MARTIN Chairman.

Report adopted and Senate Bill No 14 placed on third reading.

### THIRD READING OF HOUSE BILLS.

Moved by Baggs that the third reading of House Bill No. 53, be deferred and read by title only.

Motion Carried.

H. B. No 53 passed the House by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Doulan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—64.

Noes—Metlen—1.

Absent—Dee, Godfrey, Madden, McTagne, Sullivan of Silver Bow—5.

### REPORT OF STANDING COMMITTEE.

Mr. Speaker: Your Committee on Railroads and Transportation beg leave to report having considered House Bill No. 65 do hereby refer same back to the House without recommendations.

Also having considered House Bill No. 26 do hereby refer the same back to the House with recommendation that it do pass.

JOHN BERKIN Chairman.

Moved by Richardson that the report from Committee on Railroads and Transportation with reference to H. B. No 26, be laid on the table.

Motion was lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Brein, (Connor of Cascade Co.), Cram, Crawford, Donaldson, Ferry, Fine, Fitzpatrick, Gilchrist, Hartwig, Jensen, Lannin, Lowney, MacGinnis, McDonnell of Jefferson, McIntyre, Meunier, Newberry, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Shanley, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Urquhart, Ward, White, Mr. Speaker—34.

Noes—Baker, Becker, Berkin, Bielenberg, Bourne, Brownlee, Cannon, Connor of Ravalli, Dixon, Doulan, Faust, Geary, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, Martin, McCone, McDonnell of Deer Lodge, McTagne, Metlen, Murray, Myers, Newton, Patterson, Roland, Rossman, Stull, Toole, Woods—34.

Absent—Dee, Sullivan of Silver Bow.

H. B. No's 65 and 26 were referred to printing Committee.  
Speaker Pro Tem in the Chair.

### THIRD READING OF SENATE BILLS.

On the reading of Senate Bills Baggs arose to a point of order, that Senate Bills had not been considered in the Committee of the whole, and could not be on third reading.

Speaker Pro Tem declared that the point of order was well taken and ordered S. B.'s No's 14, 26, 27, and 31 placed on general orders.

### INTRODUCTION OF BILLS.

The following Bills were introduced.

H. B. No. 95, by Gilchrist: An Act entitled "An Act to amend Section 670 of the Civil Code of the State of Montana, relating to Stock and Mutual Insurance Companies.

Also—H. B. No. 96. An Act to amend Section 1632 of the Code of Civil Procedure relating to issuing executions upon judgments entered in Justices' Courts and docketed in the office of the Clerk of the District Court.

Also—H. B. No. 97. An Act entitled "An Act to amend Section Eight of House Bill No. 258, approved March 4, A. D. 1897, relating to Fire Insurance Companies.

H. B. No. 98, by Baker: A Bill for an act entitled an act to provide traveling expenses for county assessors while making the annual assessment.

H. B. No. 99, by Connor of Cascade: A Bill for an act to amend Subdivision 5 of Section 590, Part II, Title VII, Chapter VI, of the Code of Civil Procedure, relating to the appointment of Receivers of Corporations.

House Joint Memorial No. 3, by Jones: For the relief of settlers within the Lewis and Clarke Forest Reserve and praying for their relief by the survey of certain lands and having the same thrown open for settlement.

### READING OF HOUSE BILLS.

The following Bills were read a first and second time.

H. B. No. 95, read a first and second time. Referred to Committee on Insurance.

H. B. No. 96, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 97, read a first and second time. Referred to Committee on Insurance.

H. B. No. 98, read a first and second time. Referred to Committee on Ways and Means.

H. B. No. 99, read a first and second time. Referred to Committee on Judiciary.

House Joint Memorial No. 3, read a first and second time. Referred to Committee on State Lands.

Moved by Cannon that the House take a recess until 12. o'clock M.

Motion Carried.

12 o'clock M.

House resumes.

Mr. Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

### JOINT-SESSION.

House of Representatives.

Helena, Mont., Feb. 7, 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Biggs, Clark, Connolly, Courtney, Cullen, Hoffman, Murray, Myers—8.

For Cooper—Conrow, Tierney—2.

For MacGinniss—Kennedy, Warner—2.

For Conrad—Stanton, Mahon—2.

Paired—Gruwell, Phillips—2.

The President ordered the Chief Clerk of the House to call the roll of the House and the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Ferry, Geary, Gilchrist, Hill, Kilgallan, Madden, McTague, Rosman, Sanden, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Wood, Corbett—20.

For MacGinniss—Axtell, Connor of Cascade, Cram, Donaldson, Fine, Fitzpatrick, Hartwig, McDonald, Meunier, Ward—10.

For Sullivan—Crawford, Lannin, Lowney, Pelletier, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman—5.

For Spriggs—Jensen—1.

For Toole—MacGinniss—1.

For Conrad—McDonnell of Deer Lodge—1.

Absent—Dee, Sullivan of Silver Bow—2.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
“ H. L. Frank .....	28
“ John MacGinniss .....	12
“ Walter Cooper .....	7
“ P. G. Sullivan .....	7
“ W. G. Conrad .....	3
“ A. E. Spriggs .....	1
“ J. K. Toole .....	1
Total .....	90

The President (announced) that no one having received a majority of all the votes cast there is no election.

Moved by Hobson that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion Carried.

Moved by Fitzpatrick that the House take a recess until 2.30. o'clock.

Motion Carried.

Mr Speaker declares the House adjourned until 2.30 o'clock.

2.30 o'clock.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Moved by Kilgallan that the House suspend the rules and we pass to order of business No 10.

Motion Carried.

Moved by Sanden that the House do now go into the Committee of the



whole for consideration of H. B's No's 29, 45 and Joint House Memorial No 2.  
Motion Carried.

Swindlehurst in the Chair.

House Resumes.

Mr. Speaker in the Chair.

Swindlehurst Chairman of the Committee of the whole made the following report.

Mr. Speaker:—The Committee of the whole having considered House Bills Nos 29 and 45 and Joint Concurrent Resolution No 2 recommend as follows:

That House bill No 29 do pass and that House Bill No 45 and Joint Resolution No 2 do pass as amended SWINDLEHURST, Chairman

Moved by Hedges that the report be adopted

Motion Carried.

Moved by Kilgallon that the House go into the Committee of the whole for consideration of S. B's No's 21, 19, & 20.

Motion carried, and House went into Committee of the whole. Swindlehurst in the Chair.

House Resumes

Mr. Speaker in the Chair.

Report of Committee of the Whole.

Mr. Speaker:—Your Committee of the Whole having considered Senate bills Nos 21, 19 and 20 and recommend as follows:—

1st That Senate Bill No 21 be concurred in as amended.

2nd That Senate Bill No 19 be concurred in

3rd That Senate bill No 20 be Concurred in.

SWINDLEHURST, Chairman

Moved by Hedges that the report be adopted.

Motion Carried.

Senate Bills No's 19 and 20 were placed on third reading and S. B. 21 referred to Engrossing Committee.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 6, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of Bills were given as follows:

By Kennedy: A Bill for an act to extend the boundaries of Deer Lodge County and to conform the boundaries of Silver Bow County and Beaverhead county thereto.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 6, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 73. By Anderson: A Bill for an Act entitled an Act Providing for farmers Institutes and making an appropriation therefor.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 6, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bill No. 22 Introduced by Judiciary Committee was read a third time and passed and is herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secy.

Helena, Montana, February 6, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 74. Introduced by committee on Public Morals: A Bill for an act to prohibit gambling within the State of Montana, to provide penalties for violations of this act, and repealing an act of the fifth regular session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled "an act to prohibit gambling within the State of Montana and to provide penalties for a violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this act."

Respy

C. A. WHIPPLE Secy

## NOTICES.

Mr. Speaker. I move the adoption of the following addition to standing Rule No. 49 of this House. "Debate shall not be allowed on the third reading of any Bill."

And that typewritten slips with this addition be inserted in all copies of the rules placed at its disposal of its members. HEDGES.

Moved by Baggs that Hedges Motion be referred to Committee on rules. Motion Carried.

Hedges gave notice that his former motion would be taken up tomorrow Feb 8, n regards to changing Standing Rule No 49.

Mr. Speaker:—I move that the rules of this House be so amended as to permit members to smoke whenever they desire. PATTERSON

Moved by Lannin that Patterson's motion be laid on the table.

Motion Carried.

Moved by Connor of Ravalli that the House adjourn until 10.30 tomorrow Feb. 8th, 1901

Motion Carried.

Mr. Speaker declared the House adjourned until 10.30 tomorrow Feb. 8, 1901. ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## THIRTY-THIRD DAY

House of Representatives.

Helena, Mont Feb 8, 1901

House met pursuant to adjournment at 10.30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

## NOTICES.

Mr. Speaker:—The following pair on U. S. Senator is hereby arranged for Saturday February 9th, 1901. J. MEUNIER—W. C. NEWTON

## REPORTS OF STANDING COMMITTEES.

Helena, Mont. Feb. 8th 1901

Mr. Speaker. Your Committee on Rules beg leave to approve the suggestion Notice of which was given yesterday that Rule 49 page 21 of Standing Rules of the House be amended by the following addition—"No Debate shall be allowed on third reading of any Bill"

And that typewritten slips of this addition be inserted in all copies of its Rules placed at its disposal of its members.

MacGINNISS

HEDGES

B. J. FINE

F. S. SANDEN

(Moved by Hedges that the report be adopted Motion Lost.)

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 68, by Fitzpatrick, respectfully report said Bill back to the House with a recommendation that it do pass.

R. P. THOROUGHMAN, Chairman.

Report adopted and H. B. No. 68, ordered printed.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred (Substitute for) Senate Bill No. 17, by Stockgrowing and Grazing Committee, recommend that same be concurred in.

R. P. THOROUGHMAN, Chairman.

Report adopted and S. B. No 17 placed on general orders.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 20, by Faust, report said Bill back for indefinite post-

ponement and give as a reason for such report that it has been substituted by the Substitute Bill for Senate Bill No. 17.

R. P. THOROUGHMAN, Chairman  
Report adopted and H. B. No 20 indefinitely postponed.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred Senate Bill No. 8, by Mahon, respectfully recommend that said Bill be not concurred in.

R. P. THOROUGHMAN, Chairman.  
Report adopted and S. B. No 8 placed on general orders.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred Senate Bill No. 10, by Mitchell, after consideration of the same, report said Bill back with a recommendation that it be not concurred in.

R. P. THOROUGHMAN, Chairman.  
Report adopted and S. B. No 10, placed on general orders.

Mr. Speaker: Your Committee on Printing, to whom was referred Senate Bill No. 28, report the same back without having printed it. The reason for this is that there are no amendments to the bill, and as it has already been printed by the senate there are ample copies of the same.

GEO. F. WHITE Chairman.  
Report adopted and S. B. No 28 placed on general orders.

Mr. Speaker: Your Committee on State Institutions, to whom was referred House Bill No. 86 entitled a bill for an act to create a board for the selection and purchase of a site for the hospital for the insane and defining the duties and powers of the board, respectfully report the same back to the House with the information that the Committee has been unable to consider and act on the bill within the time allowed by the order of reference, and respectfully request that the bill be re-referred to the Committee and three days additional time granted them for further consideration thereof and in which to report it back.

URQUHART Chairman  
Report adopted and request granted.

Mr. Speaker: Your Committee on Privileges and Elections, to whom was referred House Bill No. 61, being a bill for an Act Entitled An Act Providing for the Submission to the Electors of the State of Montana, for Their Approval or Rejection, an Amendment to Section 2, Article IX of the Constitution of the State of Montana Relative to the Right of Suffrage, respectfully report the same back to the House for its consideration.

B. J. FINE, Chairman.  
Report adopted and H. B. No 61, ordered printed.

### THIRD READING OF HOUSE BILLS.

House Bill No 29. Read a third time and passed by the following vote.  
Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McConē, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—66.  
Noes—0.

Absent—Dee, McTague, Meunier, Sullivan of Silver Bow.

Mr. Speaker ordered H. B. No 29 transmitted to the Senate for Concurrence.

### READING OF SENATE BILLS.

Senate Bill No. 22. Read 1" and 2" time and Referred to Judiciary Committee.

S. B. No. 51. Read 1" and 2" time, and Referred to Committee on Railroad and Transportation

S. B. No. 47. Read 1" and 2" time. Referred to Ways and Means Committee.

S. B. No 43. Read 1" and 2" time. Referred to Committee on Corporations other than Municipal.



S. B. No 42 Read 1" and 2" time Referred to Judiciary Committee.

S. B. No 41, Read 1" and 2" time Referred to Judiciary Committee.

S. B. No. 62. Read 1" and 2" time Referred to Judiciary Committee.

S. B. No. 56. Read 1" and 2" time Referred to Committee on Corporations other than Municipal.

S. J. Memorial No 2. Read 1" and 2" time. Referred to Committee on State Lands.

Moved by Baggs that Senate Bill No 20 be read a 3rd time by title only.

Motion Carried.

S. B. No. 20 passed the House by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jensen, Jones, Lehman, Madden, Martin, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Ward, Woods, Mr. Speaker—47.

Noes—Adkins, Axtell, Connor of Cascade, Ferry, Fitzpatrick, Hartwig, Kilgallon, Lannin, Lowney, MacGinnis, McDonnell of Jefferson, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Thoroughman, White—19.

Absent—Dee, Fine, Sullivan of Silver Bow, and Urquhart.

Mr Speaker ordered the Chief Clerk to inform the Senate that the House has concurred in Senate Bill No 20.

Moved by Baggs that Senate No 19 be read a third time by title only.

Motion Carried.

Senate Bill No 19, passed the House by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jensen, Jones, Lehman, MacGinnis, Madden, Martin, McCone McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Roland, Rossman, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, Ward, Woods, Mr. Speaker—47.

Noes—Adkins, Axtell, Connor of Cascade Co., Fitzpatrick, Hartwig, Kilgallon, Lannin, Lehman, Lowney, McDonnell of Jefferson, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Shanley, Thoroughman, White—18.

Absent and not voting—Dee, Ferry, Fine, Patterson, and Sullivan of Silver Bow.

Mr Speaker ordered the Chief Clerk to inform the Senate that the House concurred in S. B. No 19.

### INTRODUCTION OF BILLS.

The following Bills were introduced.

H. B. No. 100. By Metlen (Newton): A Bill for an Act forfeiting to the State of Montana, Thirty Thousand Dollars (\$30,000.00) deposited with the State Treasurer by an investigating committee of the Sixth Legislative Assembly and covering same into the Public School Income Fund.

H. B. No. 101. By Adkins: A Bill for an act to amend Section 541 of the Code of Civil Procedure of the State of Montana.

H. B. No. 102. By Wood: A Bill for an act to protect livery men and livery stable keepers in the State of Montana from being defrauded of their compensation for the use of animals and vehicles let to hire by them and making it a misdemeanor to hire or obtain from any liveryman or livery stable keeper in said State any animals or vehicle without payment for the use thereof, unless otherwise agreed.

### READING OF HOUSE BILLS.

H. B. No 100. Read 1" and 2" time. Referred to Committee on Education.

Moved by Swindlehurst that the House return to order of business No 3.

Motion Carried.

## REPORT OF STANDING COMMITTEES.

Mr. Speaker:—We, your Committee on Engrossment report that House Bill No. 45, Joint Memorial No. 2, and amendment to Senate Bill No. 21, have been correctly engrossed and are herewith returned to the House.

MYERS Chairman.

Moved by Swindlehurst that the report be adopted as read.

Motion Carried.

Moved by Hedges that the House return to order of business No 6.

Motion Carried.

## THIRD READING OF SENATE BILLS.

S. B. No 21, was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—Newberry—1.

Absent—Dee, Sullivan of Silver Bow.

Mr Speaker ordered the Chief Clerk to inform the Senate that S. B. 21 has been concurred in by the House.

Moved by Hill that the House take a recess until 12. o'clock M.

Motion Carried.

12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The Honorable, the Senate, entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT-SESSION.

House of Representatives.

Helena, Mont., Feb. 8 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Biggs, Clark, Connolly, Courtney, Cullen, Hoffman, Murray, Myers—8.

For Cooper—Conrow, Mahon, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Conrad—Stanton—1.

Paired and not voting—Gruwell, Phillips—2.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Dixon, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Baker, Berkin, Brein, Cannon, Ferry, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Sanden, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Corbett—18.

For MacGinniss—Axtell, Connor of Cascade, Cram, Donaldson, Fine, Fitzpatrick, Hartwig, McDonald, Meunier, Ward—10.

For Sullivan—Crawford, Lannin, Lowney, Pelletier, Pendergrass, Quinn, Richardson—7.

For Cooper—Martin, Metlen, Myers, Swindlehurst, Thoroughman, Wood—6.

For Conrad—Adkins, McDonnell—2.

For Spriggs—Jensen—1.

For Toole—MacGinniss—1.

Absent and not voting—Dee, Sullivan of Silver Bow.

The President announced the vote of Joint Session as follows:

Lee Mantle .....	31
H. L. Frank .....	26
John MacGinniss .....	12
Walter Cooper .....	9
P. G. Sullivan .....	7
W. G. Conrad .....	3
A. E. Spriggs .....	1
J. K. Toole .....	1

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The President announced no one having received a majority of all votes cast there is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

Moved by Fine that we take a recess until 2.30.

Motion Carried.

2.30 o'clock.

House Resumes.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

Baggs asked unanimous consent to introduce a Bill without notice.

There being no objection Consent was granted.

#### INTRODUCTION OF BILLS.

H. B. No 103 by Baggs A Bill for an act relating to licenses amending Sections 4062-4063-4064-4067 and 4072 of Art II Chapter XIII Part III of the Political Code of the State of Montana repealing Sections 4068 4082, 4083 4065 of Article II Chapter XIII Part III of the Political Code relating to licenses.

#### READING OF HOUSE BILLS.

H. B. No. 103 Read a 1" and 2" time Referred to Judiciary Committee.

H. B. No. 101, Read 1" and 2" time Referred to Judiciary Committee

H. B. No 102 Read a 1" and 2" time Referred to Committee on Agr and Stock.

Helena, Mont. Feb. 8th 1901

We the undersigned are paired on the vote for U. S. Senator on Saturday February 9th.

E. S. BECKER—JOHN BERKIN.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 7, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of bills were given as follows:



By Meyer: A bill for an act to require the Board of Stock Commissioners to advertise all monies received by it from the sale of strays, which monies have not yet been turned over to the owners thereof.

Respectfully, C. A. WHIPPLE Secretary.

Helena, Montana, February 7, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 77. By Committee on Judiciary: A bill for an act entitled an act authorizing District Courts and also the Supreme Court of the State to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Respectfully, C. A. WHIPPLE Secretary.

Helena, Montana, February 7, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bills Nos. 41, 42, 43, 47, 51, 56, and 62, were read a third time and passed and are herewith transmitted for your concurrence.

Senate Joint Memorial No. 2 was read a third time and passed and is herewith transmitted for your concurrence.

Respectfully, C. A. WHIPPLE Sec.

Helena, Montana, February 7, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 76. By Worden: A bill for an Act to amend section 1880 of Title 8, Part 4, Division 2 of the Civil Code of Montana.

Senate Bill No. 75. By Hoffman: A Bill for an Act relating to the assessment of property and to declare what instruments whereby land or real estate is made security for the payment of debts shall be void and to amend sections 3680, 3690, 3697 and 3700 of the Political Code of the State of Montana and to add to Chapter 3, Title 10, Part 3 of the Political Code of Montana A section numbered 3701A.

Respy C. A. WHIPPLE Secy

Mr Speaker. I move that an Auxiliary Committee consisting of Connor of Cascade, Myers of Park, and Stull of Yellowstone, be appointed by this House, to accompany the Committee appointed by the Speaker to visit and investigate the Asylum for the Insane at Warm Springs, and that they be invested with the same powers and authority as the original committee.

CONNOR of Ravalli

Amendment by Gilchrist that the motion be laid on the table.

Motion Carried.

Mr. Speaker: I move you that the Chief Clerk of the House be directed to detail a Committee Clerk for duty with your Committee appointed to visit the different state institutions, and that the Speaker be authorized to include and pay said Clerk's travelling expenses together with the traveling expenses of the said Committee.

URQUHART Chairman of said Visitation Committee.

Motion Lost.

Moved by MacGinnis that S. B. No 24 be taken up by the Committee of the whole.

Motion Carried.

Moved by Hedges that S. B. No 23 be considered in Committee of the whole.

Motion Carried.

Moved by Hedges that H. B. No 6 be considered in Committee of the whole.

Motion Carried.

(Com of the Whole) Toole in the Chair.

House Resumes.

Mr Speaker in the Chair.

Toole Chairman of the Committee of the whole made the following report.

Mr. Speaker. Your Com of the whole House have had under consideration Senate Bill No. 24 and report the same back with the recommendation that the Enacting Clause be stricken out.

Also Senate Bill No. 23 and recommend that the same be concurred in.

Also House Bill No. 6 and recommend that the same be passed for the present.

I move that H. B. No. 6 be passed in Com. of the Whole until the affidavit regarding same has been investigated and that said affidavit be referred to in the Com. of the whole and handed to the Speaker.

MacGINNISS

Motion Carried.

Moved by Hedges that the report be adopted as read.

Substitute motion by Gilchrist that the report of each Bill be taken up separately.

Substitute Motion Carried.

Moved by Connor that the report of Committee of the whole as to S. B. No 24 be adopted as read.

Motion Carried.

On motion the report from the Committee on S. B. 23 was adopted.

On motion the report from the Committee on H. B. No. 6 was adopted.

Moved by Hartwig that the Speaker be authorized to appoint a Committee of 5 to investigate charges contained in an affidavit submitted to the House from Committee of the whole, to procure an indictment or file information.

Motion Carried.

Moved by Meunier that the House adjourn until 10.30 tomorrow Feb 9, 1901.

Motion Carried.

Mr. Speaker declares the House adjourned until 10.30 tomorrow Feb 9, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## THIRTY-FOURTH DAY

House of Representatives.

Helena Mont Feb 9 1901

House met pursuant to adjournment at 10.30 A M

Roll Call.

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

### PRESENTATION OF PETITIONS.

Remonstrances from Clara Estell and 100 others asking that the Tierney Gambling Bill be defeated.

### NOTICES.

The Speaker of the House announces to the House that he Hereby appoints as members of the Committee to investigate the charges made against members of this House by the affidavit of Harry C. Burgess the following members, David Metlen, J. E. Martin, M. P. Gilchrist, John Bielenberg H. C. Newton.

FRANK E. CORBETT Speaker.

Mr Speaker announces that he is about to sign S. B. No. 21, and does so in the presence of the House.

Notices of the Introduction of Bills were as follows:

By Pelletier: A Bill for an act entitled an act to provide for the appointment of an inspector of meats, prescribing his qualifications, defining his duties and fixing his compensation, and to prevent the sale of diseased, corrupted or unwholesome meats.

Also: A Bill for an act entitled an act to regulate the practice of Barbering (Barltering,) the licensing of persons to carry on such practice and to insure the better education of such practitioners in the State of Montana.

By Kilgallan: A Bill entitled an act to amend Section 4765 of the Political Code of the State of Montana in reference to the salary and compensation of Police Judges.

By Baker: A Bill for an act entitled an act to prohibit the making of false assays or false assay reports.

Also: A Bill for an act entitled an act to amend Section 4800 of the Political Code of the State of Montana as the same is now in force after amendment by an act of the Fifth Legislative Assembly, entitled "An Act to amend Section 4800 of the Political Code relative to Legislative Powers of cities and to enable cities and towns to acquire by purchase, construction or condemnation proceedings water plants, water supplies, franchises, public buildings and sewers", approved March 8th, 1897, so as to provide for the method of conducting and canvassing elections for the extension of the limit of indebtedness of cities or towns over and above the limit of three per cent of the last assessed valuation for State and county taxes, and who shall be entitled to vote at such elections, and also to repeal certain portions of Subdivision 64 of said Section 4800.

#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, Feb. 9 1901

Mr. Speaker:—Your Committee on Printing, to whom was referred Substitute H. B. 34 and No. 84. respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and Substitute H. B. No 34 and H. B. 84. placed on general orders.

Mr. Speaker: Your Committee on Education, to whom was referred H. B. No. 100, by Newton, A Bill for an act forfeiting to the State of Montana, Thirty Thousand Dollars (\$30,000.00) deposited with the State Treasurer by an investigating committee of the Sixth Legislative Assembly and covering same into the Public School Income Fund, respectfully report said Bill back with a recommendation that it do pass.

S. R. JENSEN Chairman.

Mr. Speaker: The minority of your Committee on Education, after having considered H. B. No. 100, by Newton, recommend that said Bill do not pass.

GEORGE C. STULL.

Moved by Jensen that the majority report be adopted.

Amendment by Kilgallan that both reports be laid over until Monday Feb 11, 1900 (1901.)

Amendment Lost.

Original motion Carried.

Mr. Speaker:—We, your Committee on Engrossment report that House Bills No's 41, 64 and 75 have been correctly engrossed and are herewith returned to the House.

B. F. MYERS Chairman.

Report adopted and H. B. No's 41, 64, and 75 placed on 3rd reading.

#### READING OF SENATE BELLS.

S. B. No 23. Read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Ghchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods. Mr. Speaker—63.

Noes—Kilgallan—1.

Absent and not voting—Dixon, Dee, Lannin, Newbary, Pendergrass, Sullivan of Silver Bow—6.

Mr. Speaker ordered the Chief Clerk to transmit S. B. No 23 to the Senate as concurred in by the House.

#### INTRODUCTION OF BILLS.

Gilchrist asked unanimous consent to introduce a Bill without previous notice.

On motion of Kilgallan the request was granted.

The following Bill was introduced without previous notice.



H. B. No. 104, by Gilchrist: A Bill for an act entitled an act creating a State Board of Health, defining its powers and duties and providing for the compensation or its officers and providing for the enforcement of the rules and Regulations of said Board.

#### READING OF HOUSE BILLS.

Motion of Baggs House Bill No. 104 was read a 1<sup>st</sup> and 2<sup>d</sup> time by title only.

H. B. No. 104, a read first and second time. Referred to Committee on Judiciary.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 8, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That House Bill No. 17 introduced by Lannin was indefinitely postponed by the Senate and is herewith returned.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, February 8, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of introduction of bills were given as follows:

By Murray: A bill providing a maximum rate for the transportation of passengers in the state of Montana by any railroad association or corporation.

Respectfully,

C. A. WHIPPLE Secretary.

On motion of Jensen S. B. No 8 was referred to Committee on State Lands.

On motion the House took a recess until 12 o'clock by the House clock. 12 o'clock M.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Mont., Feb. 9 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at o'clock 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Biggs, Courtney, Cullen, Hoffman, Murray, Myers—6.

For Cooper—Conrow, Tierney—2.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

Absent and Paired—Gruwell, Phillips and Clark—3.

The President ordered the Chief (Clerk) of the House to call the roll of the House when the following vote was announced.

For Mantle—Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Patterson, Roland, Shanley, Stull—19.

For Frank—Baker, Brein, Cannon, Ferry, Geary, Hill, Kilgallan, Madden,

McTague, Rosman, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Wood—16.

For Macginniss—Axtell, Connor of Cascade, Cram, Crawford, Donaldson, Fine, Fitzpatrick, Hartwig, Lannin, McDonald, Pelletier, Ward—(13.) 12.

For Cooper—Lowney, Martin, Metlen, Myers, Swindlehurst, Thoroughman, Quinn—7.

For Conrad—Adkins, McDonnell, Richardson—3.

For Spriggs—Jensen—1.

For Toole—MacGinniss—1.

For Osburn—Pendergrass—1.

Absent and paired—Dee, Sullivan of Silver Bow, Baggs, Becker, Berkin, Gilchrist, Newton, Meunier and Dixon

The President announced the vote of Joint Session as follows:

For Lee Mantle .....	27
" H. L. Frank .....	22
" John MacGinniss .....	15
" Walter Cooper .....	9
" W. G. Conrad .....	4
" Robert Coburn .....	2
" J. K. Toole .....	1
" A. E. Spriggs .....	1
" James Osborn .....	1

Total ..... 82

The President announced no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of Stull the House adjourned until 11. o'clock Feb 11, 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## THIRTY-SIXTH DAY

House of Representatives.

Helena Mont Feb 11, 1901

House met pursuant to adjournment at 11. A. M.

Mr. Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain

The Journal of previous day was read and approved.

### PRESENTATION OF PETITIONS.

Petition from Chas. Duer and 57 others asking the Seventh Legislative Assembly to concur in S. B. No. 55.

Petition was referred to Ways and Means Committee.

Helena, Mont. February 11, 1901

Mr. Speaker:—I request permission of the House by 1-3 vote to have printed House Bill No. 71,—known as the Bill for the relief of Mr. Page.

ROLAND

On motion of Baggs the request was granted and H. B. No 71. was ordered printed by the Speaker.

### REPORTS OF STANDING COMMITTEES.

Helena, Montana, Feb. 11, 1901

Mr. Speaker:—Your Committee on-Printing, to whom was referred House Bills Nos. 80, 85, 32, 87, 89 37 respectfully report the same back as properly printed. In H.B .No. 67 in Line 11 the words "of this code" have been repeated.

GEO. F. WHITE Chairman

The Report was adopted and H. B.'s No's 80, 85, 32, 87, 89, 37, and 61. placed on general orders.

Bourne asked unanimous consent to return to order of business No. 1.

There being no objection consent was granted.

Petition from P. J. McIntyre and 19 others asking the Seventh Legislative Assembly to concur in S. B. No 55.

Petition was referred to Committee on Ways and Means.

### THIRD READING OF HOUSE BILLS.

H. B. No. 45 Read a third time passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Lannin, Lehman, Lowney, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—60.

Noes—None.

Absent and not voting—Becker, Cannon, Dee, Fine, Jensen, Jones, MacGinnis, Muenier, Myers and Sullivan of Silver Bow—10.

Mr Speaker ordered the Chief Clerk to transmit H. B. No 45 to the Senate for concurrence.

House Joint Memorial No 2. Read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donaldson, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Jones, Kilgallon, Lannin, Lehman, MacGinnis, Madden, Martin, McCone, McDonnell of Jefferson, McIntyre, McTague, Metlen, Muenier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—61.

Noes none.

Absent and not voting Dee, Dixon, Donlan, Fine, Hill, Jensen, Lowney, McDonnell of Deer Lodge, Sullivan of Silver Bow—9.

Mr. Speaker ordered the Chief Clerk to transmit H. J. Memorial No. 2 to the Senate for there concurrence.

Moved by Ward that the House take a recess until 12 o'clock M.

Motion Lost.

### INTRODUCTION OF BILLS WERE AS FOLLOWS:

H. B. No. 105, by Killgallon:

A Bill for an act to amend Sections 4765 of the Political Code of the State of Montana in reference to the salary and compensation of Police Judges.

H. B. No. 106, by Baker:

A Bill for an act to prohibit the making false assays or false assay reports.

Also, H. B. No. 107;

An Act to amend Section 4800 of the Political Code of the State of Montana as the same is now in force after amendments by an Act of the Fifth Legislative Assembly, entitled 'An Act to amend Section 4800 of the Political Code relative to Legislative Powers of cities and to enable cities and towns to acquire by purchase, construction or condemnation proceedings water plants, water supplies, franchises, public buildings and sewers,' approved March 8th, 1897, so as to provide for the method of conducting and canvassing elections for the extension of the limit of indebtedness of cities and towns over and above the limit of three per cent of the last assessed valuation for State and county taxes, and who shall be entitled to vote at such elections, and also to repeal certain portions of Subdivision 64 of said Section 4800.



## Reading of Bills.

THE FOLLOWING BILLS WERE READ A FIRST AND SECOND TIME:

H. B. No. 105, read a first and second time.

Referred to Committee on Judiciary.

H. B. No. 106, read a first and second time.

Referred to Committee on Judiciary.

Mr. Speaker ordered H. B's (No's) 64 and 75 printed.

Moved by Ward that the House take a recess until 12 o'clock M.

Motion Carried.

12 o'clock M.

House Resumes.

Mr. Speaker in the Chair.

House of Representatives,

February 11, 1901.

Mr. Speaker:

Having been informed of the demise of Hon. John W. Powers, ex-State Senator from Choteau County, who was Senator from that County for two terms, and who died yesterday,

I move you sir, that in respect to the memory of said deceased that this House adjourn after joint session today until 10:30 A. M. tomorrow.

McTague.

Motion Carried.

Third reading of House Bills:

Moved by Baggs that H. B. No 41 be read a 3rd time by title only.

Motion Carried.

H. B. No 41 Read a 3rd time by title and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenberg, Bourne Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dixon, Donlan, Faust, Ferry Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, White, Woods, Mr. Speaker—63.

Noes—None.

Absent—Baker, Dee, Donaldson, Jensen, Jones, Sullivan of Silver Bow, and Ward—7.

Mr. Speaker ordered the Chief Clerk to transmit H. B. No. 41 to the Senate for concurrence.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

## HOUSE OF REPRESENTATIVES.

Helena, Montana., Feb. 11 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President then announced to (that) the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States:

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden,—9.

Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

Cooper—Coutrow, Gruwell, Tierney—3.

MacGinniss—Kennedy, Warner—2.

Coburn—Connolly, Mahon—2.

Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Berkin, Brien, Cannon, Ferry, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—14.

For MacGinniss—Adkins, Axtell, Baker, Conner of Cascade, Cram, Crawford, Donaldson, Pine, Fitzpatrick, Geary, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman, Urquhart, Ward—26.

Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Conrad—McDonnell—1.

For Toole—MacGinniss—1.

Absent and paired—Dee and Jones—2.

The President announced the vote of the Joint Session as follows:

Lee Mantle .....	31
John MacGinniss .....	28
H. L. Frank .....	21
Walter Cooper .....	7
W. G. Conrad .....	2
Robert Coburn .....	2
J. K. Toole .....	1

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The President announced no one having received a majority of all the votes cast there is no election.

Moved by Quinn that we proceed to take another ballot.

Substitute motion by Geiger that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Substitute motion carried.

Reading of House Bills:

Moved by Baker that H. B. No 107 be read 1" and 2" time by title only.

Motion carried.

H. B. No. 107. Read a 1" and 2" time by title only.

Referred to Committee on affairs of City.

Hedges asked unanimous consent to return to order of business No. 3.

There being no objection consent was granted.

Report of Standing Committee.

Helena, Montana, Feb. 11th. 1901.

Mr. Speaker:—

Your Committee on Printing to whom was referred House Bill No. 43 respectfully report the same back as properly printed.

Geo. F. White, Chairman.

The report was adopted and H. B. No. 43 placed on general orders.

Messages from the Senate.

Helena, Montana, February 9. 1901.

Mr. Speaker:

I am directed by the Senate to inform your honorable body. That: Bills were introduced as follows:

Senate Bill No. 78. Introduced by Murray. A Bill for an Act entitled An Act Providing a Maximum Rate for the Transportation of Passengers in the State of Montana by any Railroad Association or Corporation, and also Providing a Punishment for the Violation of provisions of this Act.

Senate Bill No. 79. Introduced by Meyer of Carbon. A Bill for an Act

requiring the Board of Stock Commissioners to Publish Notice of Moneys received by it from the sale of Stray meat cattle, the owners of which or their whereabouts are unknown to said Board.

Senate Bill No. 80. Introduced by McLean. A Bill for an Act entitled an Act to Amend Sections 3250 Chapter 13. Title 7. Part 3 of the Political Code of the State of Montana.

Senate Bill No. 81. Introduced by Geiger. A bill for an Act to Provide for the publication of a list of property assessed by County Assessor.

Respy

C. A. WHIPPLE, Secy.

Helena, Montana, Feb. 9th, 1901.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, That: Notices of introduction of bills was given as follows.

By Worden: A Bill for an act to amend Section 180 of Title 2. Chapter 3, of the Code of Civil Procedure of the State of Montana, relating to the disqualification of Judges.

C. A. WHIPPLE, Secy.

Mr. Speaker declares the House adjourned until tomorrow at 10:30 o'clock Feb. 12, 1901, in pursuance to former motion by McTague.

FRANK E. CORBETT, Speaker. ROGER E. SKELLY,  
Chief Clerk.

## THIRTY-SEVENTH DAY

House of Representatives.

Helena, Mont. Feb 12, 1901

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the Chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

The journal of the previous day was read and approved.

### REPORTS OF STANDING COMMITTEES.

February 12, 1901.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 59, entitled: "A Bill for an Act to Amend Sections 1354, 1357, 1358, 1359 and 1361, of Chapter 9, Article II, of Title 2, of Part 3, of the Political Code of the State of Montana, Relating to Ballots and Voting, and Providing Further Protection for the Voter While Preparing His Ballot and Casting the same," beg to report as follows: That Section 1361 be amended by striking out the words "or after," as they occur in the following sentence in said Section: "He shall prepare his ballot by marking an "X" before or after the name of the person or persons for whom he intends to vote." We further recommend that the following sentence occurring in Section 1361 be stricken out, to wit: "In marking a ballot any elector is at liberty to use or copy any unofficial sample ballot which he may choose to mark or have marked, before entering the compartment or booth;" We further recommend that that clause in said Section 1361 which reads as follows, "but no elector is at liberty to use or bring into the polling place any unofficial sample ballot, printed in the exact style, width, color or character of paper of the official ballot," (be amended by striking out the first word "but,") and the words "printed in the exact style, width, color or character of paper of the official ballot," so that said clause as amended will read "No elector is at liberty to use or bring into the polling place any unofficial sample ballot."

We recommend that said Bill, as above amended, do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 59 as amended ordered engrossed. Thereafter ordered printed.

House of Representatives, February 12, 1901.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B.



No. 11, entitled: "A Bill for An Act Entitled An Act to amend Sections 1354, 1357, 1358, 1359 and 1361, of Chapter 9, of Article II, of Title 2, of Part 3 of the Political Code of the State of Montana, Relating to Ballots and Voting, and Providing Further Protection for the Voter While Preparing His Ballot and Casting the Same," hereby report the same back to the House with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 11, indefinitely postponed.

House of Representatives, February 12, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 9, entitled: "An Act to Amend Section 2 of Article 3, and Section 1 of Article 5 of an Act entitled An Act to Incorporate the City of Virginia, approved December 30, 1854," hereby report the same back to the House with the recommendation that it do not pass, upon the ground that we believe said Bill to be unconstitutional.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 9 placed on file.

House of Representatives, February 12, 1901.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 96, entitled: "An Act to Amend Section 1632 of the Code of Civil Procedure Relating to Issuing Executions Upon Judgments Entered in Justices Courts and Docketed in the Office of the Clerk of the District Court," hereby report the same back to the House with the recommendation that it be passed.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 96, ordered printed.

Mr. Speaker: The Judiciary Committee hereby reports that it has had under consideration H. B. No. 69, entitled: "A Bill for An Act Providing for the Granting of Options by Guardians Upon Mining Claims, and for Sale and Conveyance of the Same pursuant to the Terms Thereof," and recommends that said Bill be not passed.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 69 placed on file.

Moved by Baggs that consideration of H. B. No 69 be indefinitely postponed.

Motion Carried.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 62, entitled: "An Act to Amend Section No. 1222 of the Code of Civil Procedure of Montana, Relating to Exemptions, by Adding a New Subdivision Thereto," hereby report the same back to the House with the recommendation that it do not pass.

M. P. GILCHRIST Chairman.

On motion of Baggs the report was adopted and S. B. No 62 placed on file.

Mr. Speaker: We, your Committee on Judiciary, to whom was referred S. B. No. 41, entitled: "A Bill for an Act to Amend Sections 622, 624, 627 and 629 of the Political Code of Montana, relating to the Board of Dental Examiners," beg to report that we concur in the action of the Senate, and recommend that said Bill do pass.

M. P. GILCHRIST Chairman.

Report adopted and S. B. 41 placed on general orders.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 94, entitled: "A Bill for an Act entitled An Act Providing for the payment of Cost of Transporting Prisoners, Insane Persons and Others from the County in which they may have been Convicted or Committed to State Institutions, and to the Insane Asylum and to the State Penitentiary, and Prescribing the Manner of Such Transportation and the Persons by whom the Same Shall be Effected," hereby report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 94, ordered printed.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 93, entitled: ("A Bill for) An Act entitled An Act to Amend Section 4604 of the Political Code of the Laws of the State of Montana, and Fix the Amount of Mileage Payable to Sheriffs of Said State for Transporting Persons Under Order of any Court, and Fixing the Duties of the Board of County Commissioners of the Several Counties in Said State in the

Matter of Payment of Such Expenses of Sheriffs, and Prohibiting Sheriffs from Being Concerned in the Transportation of Persons Sentenced to be Confined in Certain State Institutions and in the State Penitentiary," hereby report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 93, ordered printed.

Mr. Speaker: Your Committee on Judiciary to whom was referred S. B. No. 42, entitled: "An Act to Provide for the Regular Inspection of Bonds of County and Township Officials," beg to report that we concur in the action of the Senate, and recommend that said Bill do pass.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 42 placed on general orders.

Mr. Speaker: The Judiciary Committee having had under consideration H. B. No. 101, entitled: "A Bill for an Act to Amend Section 541 of the Code of Civil Procedure of the State of Montana," hereby report the same back to the House with the recommendation that it do not pass.

M. P. GILCHRIST Chairman.

On motion of Baggs the report of the Committee was adopted and further consideration of the bill was postponed.

Mr. Speaker: Your Judiciary Committee, having had under consideration H. B. No. 104 entitled: "A Bill for an Act entitled An Act creating a State Board of Health, Defining Its Powers, and Duties, and Providing for the compensation of its officers and providing for the Enforcement of the Rules and Regulations of said Board," hereby report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No. 104 ordered printed.

Feb 12 1901

Mr. Speaker: Your Judiciary Committee hereby reports that it has had under consideration H. B. No. 106, entitled: "A Bill for an Act to Prohibit the Making of False Assays or False Assay Reports," and recommends that said Bill do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 106 ordered printed.

February 12, 1901.

Mr. Speaker: Your Committee on State Lands, to whom was referred Senate Joint Memorial No. 1, by Mahon, report same back with a recommendation that it be concurred in.

GEORGE R. WOOD, Chairman.

Report adopted and Senate Joint Memorial No 1 placed on general orders.

Mr. Speaker:—Your Committee on Incorporations other than Municipal have had under consideration Senate Bill No. 33, introduced by Anderson for An Act to Amend Section 451 of the Civil Code, relating to Annual Reports of Corporations; and report it back with recommendations that we concur with the Senate.

J. E. MARTIN Chairman.

Report adopted and S. B. No. 33 placed on general orders.

Mr. Speaker:—Your Committee on Incorporations other than Municipal have had under consideration Senate Bill No. 43, introduced by Hobson. A Bill for An Act to Amend Sec. 604 of Chapter I., Title III., Part IV., Division I. of the Civil Code of the State of Montana; and report it back with recommendations that we concur with the Senate.

J. E. MARTIN Chairman.

Report adopted and S. B. No. 43 placed on general orders.

Mr. Speaker:—Your Committee on Incorporations other than Municipal have had under consideration Senate Bill No. 56, introduced by Meyer of Carbon for An Act to Prevent all Persons owning or operating Coal Mines on the Bank of a Stream containing Fish or Water used for Domestic Purposes or for irrigation from Depositing Coal Slack or Coal Screenings from such Mine in Such Stream, and for Fixing Penalty for Failure to Comply with the Law; and return the same to the House without recommendations for their consideration.

J. E. MARTIN Chairman.

Report adopted and S. B. No 56 ordered printed.

Mr. Speaker:—Your Committee on Incorporations other than Municipal have had under consideration Senate Bill No. 13, introduced by Kennedy for An Act to Compel Street Railway Companies to Protect Certain of

their Employees from the Inclemencies of the Weather; and report it back with recommendations that we concur with the Senate.

J. E. MARTIN Chairman.

Report adopted and S. B. No. 13. placed on general orders.

February 12, 1901.

Mr. Speaker: Your Committee on State Lands, to whom was referred Senate Bill No. 8, by Mahon, report said Bill back with a recommendation that it do pass.

GEORGE R. WOOD, Chairman.

Report adopted and S. B. No 8 placed on general orders.

February 12, 1901.

Mr. Speaker: Your Committee on State Lands, to whom was referred House Joint Memorial No. 3, by Jones, report said House Joint Memorial back with a recommendation that it do pass.

GEORGE R. WOOD, Chairman.

Report adopted and House Joint Memorial No 3 ordered printed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 31, entitled an act appropriating money for the relief and benefit of the state orphans home, herewith report the same back to the House with the recommendation that it do pass.

EMERSON HILL, Chairman.

Report adopted and H. B. No 31 ordered printed.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred Senate Bill No. 55, entitled "An Act to Create the Twelfth Judicial District of the State of Montana to be composed of the Counties of Choteau and Valley, and Providing for the Appointment of a Judge Thereof", report the same back with the recommendation that it be concurred in.

MacGINNISS Chairman.

Report adopted and S. B. No 55 placed on general orders.

Mr. Speaker: Your Committee on Appropriations to whom was referred Senate Bill No. 25, entitled a bill for an act to amend section 1133, article XII, chapter VII, part III, title I, of the political code of Montana relative to time of payment of salaries of district judges and other officers, herewith report the same back to the House with the recommendation that it be referred to the Committee on Judiciary.

EMERSON HILL, Chairman.

Report adopted and S. B. No 25 referred to Judiciary Committee.

Mr. Speaker:—We, your Committee on Railroads and Transportation beg leave to report Senate Bills Nos 50 and 51 back to the House with recommendations that they be concurred in.

JOHN BERKIN Chairman.

Report adopted and S. B.'s Nos. 50 and 51 placed on general orders.

Mr. Speaker:—Your Committee on State Institutions and Public Buildings beg leave to report House Bill No. 82 back to the House with recommendation that it do pass.

URQUHART Chairman.

(Report adopted and H. B. No 82 ordered printed.)

February 12, 1901.

Mr Speaker: Your Committee on State Lands, to whom was referred H. B. No. 77, by Hedges, report said Bill back with a recommendation that it do pass.

GEORGE R. WOOD, Chairman.

Report adopted and H. B. No 77 ordered printed.

Mr. Speaker: Your Committee on State Lands, to whom was referred Senate Joint Memorial No. 2, by Meyer of Carbon, report same back with a recommendation that it be concurred in.

GEORGE R. WOOD, Chairman.

Report adopted and Senate Joint Memorial No 2. placed on general orders.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bills Nos. 79, 26, 65, 76, 68, and 61, respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B's. No's 79, 26, 65, 76, 68, and 61 placed on general orders.



## INTRODUCTION OF BILLS.

House Bill No. 100. Introduced by Baggs.: "An Act to Amend "To Provide for elections of Road Supervisors, to define and regulate their powers and duties, to fix their compensation and to repeal "An Act Entitled" An Act to define the powers and duties of County Supervisors and provide for their compensation to abolish the office of Road Supervisor; approved Mar. 4th., 1897;" Approved Mar. 3rd., 1899" By Amending Section 2 of said Act and adding the following Sections: thereto, viz: Sections 2 A, 2 B, 2 C, 2 D, 2 E, 2 F, 2 G, 2 H, 2 I, 2 J, 2 K.

## READING OF HOUSE BILLS.

Moved by Baggs that H. B. No 108 be read a 1" and 2" time by title only.  
Motion Carried.

H. B. No 108 Read a 1" and 2" time. Referred to Committee on Highways.

## MESSAGES FROM THE SENATE.

Helena, Montana, February 11, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 82. By Kennedy. A Bill for an act relating to the powers and duties of Justice of the Peace, and fixing the compensation in certain townships.

Senate Bill No. 83. By Committee on Counties, Towns and Municipal Corporations. An act to provide and regulate the form of ballots and methods of voting. In voting upon propositions of bonded institutions, submitted to the electors of counties.

Senate Bill No. 84. By Courtney. An act to change the name of Deer Lodge County from that of Deer Lodge County to that of Daly County.

Senate Bill No. 85. By Cullen: A Bill for an act entitled "an act to secure to employees the payment of their wages in lawful money of the United States: Prohibiting the assignment of their wages to their employees (employers) and prohibiting the payment of their wages in other ways, except as provided in this act and prescribing, a penalty for the violation thereof.

Senate Bill No. 86. By Courtney. An Act to change the names of Powell County from that of Powell County to that of Deer Lodge County.

Respy

C. A. WHIPPLE Secy.

Mr. Speaker: I move that House Bill No 73 be referred back to Committee of Agriculture and Stock.

BIELENBERG.

Motion Carried.

The House resolved itself into Committee of the whole for consideration of H. B's No's 19, 24, and 55.

Lannin in the Chair.

House Resumes.

Mr Speaker in the Chair.

Lannin Chairman of the Committee of the whole made the following report,

Mr. Speaker: Your Committee of the whole having had under Consideration H. B's No's 19, 24 and 55 recommend as follows.

That H. B. No. 19 do pass.

That Section 2 of House Bill No. 24 be amended by adding the following words "all acts and Parts of acts in Conflict herewith are hereby repealed" and that H. B. No. 24 as amended be engrossed and do pass.

That House Bill No 55 do pass.

LANNIN Chairman

Moved by Hedges that the report be adopted as read.

Motion Carried.

H. B's No's 19, & 55, placed on 3rd reading.

H. B. (No) 24 as amended ordered engrossed.

On motion the House took a recess until 12 o'clock M.

12. o'clock M.

House Resumes.

Mr Speaker in the Chair.

The Honorable, the Senate, entered the House, were received, and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

House of Representatives.

Helena, Mont., Feb. 12 1901.

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House, called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous joint session were read and approved.

The President then announced that the joint assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the joint assembly announce Viva Voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, and (when) the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

Cooper—Conrow, Gruwell, Tierney—3.

MacGinniss—Kennedy, Warner—2.

Coburn—Connolly, Mahon—2.

Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Bages, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Berkin, Brein, Cannon, Ferry, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Sullivan of Lewis and Clarke, Toole, Urquhart, White, Corbett—15.

For MacGinniss—Adkins, Axtell, Baker, Conner of Cascade, Cram, Crawford, Donaldson, Fine, Fitzpatrick, Geary, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Thoroughman, Ward—23.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Conrad—McDonnell, Woods—2.

For Toole—MacGinniss—1.

Absent—Dee, Sullivan of Silver Bow

The President announced the vote of Joint Session as follows:

For Lee Mantle .....	32
“ John MacGinniss .....	25
“ H. L. Frank .....	22
“ Walter Cooper .....	7
“ W. G. Conrad .....	3
“ Robert Coburn .....	2
“ J. K. Toole .....	1
Total .....	92

The President announced no one having received a majority of all votes cast there is no election.

Moved by Hobson that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Substitute motion by Baker that the Joint assembly proceed to take another ballot.

Substitute motion Lost.

Original motion Carried.

Moved by Fitzpatrick that the House take a recess until 2.30 o'clock P. M.

Motion Carried.

Mr Speaker announced that the House would stand adjourned until 2.30 o'clock P. M.

2.30 o'clock P. M.

House Resumed.

Mr Speaker in the the Chair.

Roll Call

Quorum Present.

Moved by Kilgallon that the House go into the Committee of the whole.

Motion Carried.

Berkin asked unanimous consent to make a motion.

There being no objection consent was granted.

Mr Speaker I move that House Bill No 84 be taken from general orders and referred to the Committee on Railroads. BERKIN.

Motion Carried.

Mr Speaker I move that house bill No 65 be made a special order for Tomorrow at 2:30 P M RICHARDSON

Amendment by Dixon, that H. B. 26 be made a special order also.

Amendment by Baggs that House Bill's No 65 and 26, be considered in Committee of the whole Feb. 18, 1901.

Substitute by Richardson that they be considered in Committee of the whole. Feb. 14 1901.

Substitute for the whole by Kilgallon that all motions and Amendments be tabled.

Substitute Carried.

The House resolved itself into the Committee of the whole for consideration of H. B.'s Nos. 42, 39, and 33.

Lannin in the Chair.

House Resumes.

Mr. Speaker in the Chair.

Lannin Chairman of the Committee of the whole made the following report.

Mr Speaker. Your Committee to whom was referred H. B. 42. Report the same back with the recommendation that it do pass as amended.

H. B. 39 reported back with the Enacting Clause stricken out.

H B 33 reported back with the recommendation it do pass.

LANNIN.

Moved by Baker that the House adopt the report by sections.

Motion Carried.

Moved by Kilgallon that the report of Committee on H: B. No 42 be adopted.

Motion Carried.

Moved by Connor of Cascade that the report of Committee on H. B. No 39 be rejected.

Motion carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bourne, Brein, Connor of Cascade, Crawford, Faust, Ferry, Fitzpatrick, Godfrey, Hartwig, Jensen, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Meunier, Patterson, Pelletier, Quinn, Ricardson, Sanden, Shanley, Sullivan of Lewis & Clarke, Swindlehurst, Urquhart—34.

Noes—Bielenberg, Brownlee, Cannon, Connor of Ravalli, Cram, Dixon, Donaldson, Donlan, Fine, Geary, Godfrey, Hedges, Hill, Jones, Lehman, Madden, McCone, McTague, Metlen, Murray, Myers, Newberry, Newton, Roland, Rossman, Stull, Toole, White, Woods, Mr. Speaker—30.

Absent and not voting—Dee, Gilchrist, Pendergrass, Sullivan of Silver Bow, Thoroughman, Ward—6

H. B. No 39 placed back on general orders.



Moved by Lannin that the report of the Committee of the whole on H. B. No 33 be adopted.

Substitute motion by Baker that H. B. No 33 be recommitted to general orders.

Substitute motion Lost.

Original Motion Carried.

Moved by Kilgallon that the House go into (the) Committee of the whole.  
Substitute by Faust that the House adjourn until 10.30 (o'clock) A. M.  
tomorrow Feb 13 1901

Substitute motion Carried.

The Speaker declared the House adjourned until tomorrow Feb 13. 1901  
at 10.30 o'clock A. M. ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker.

## THIRTY-EIGHTH DAY

House of Representatives.

Helena Mont. Feb 13. 1901

House met pursuant to adjournment at 10.30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain

The Journal of the previous day was read and approved.

### PRESENTATION OF PETITIONS.

A Petition from Jno. M. Madden and 25 others to create a State Board of Health with full power to make all necessary provisions to stamp out the Small Pox epidemic.

The Petition was referred to Committee on Judiciary.

### NOTICES.

Notices of introduction of Bills were as follows:

By Gilchrist: A Bill for an act to be entitled "An act to amend Sections 1050, 1052 and 1059 of the Code of Civil Procedure, and to repeal Section 1063 and 1064 of the Code of Civil Procedure.

By Hedges: A Bill for an act providing certain regulations relative to the sale of intoxicating liquors.

Also—A Bill for an act to amend Section 541 of the Penal Code of the State of Montana relating to offenses against good morals.

By Dixon: A Bill for an act to confer certain powers upon any society organized for the purpose of providing homes for homeless children and upon county commissioners and justices of the peace in regard to the care of indigent children.

### REPORTS OF STANDING COMMITTEES.

House of Representatives, February 13, 1901.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 63, entitled: "A Bill for an Act Entitled A Bill for an Act Providing for the submission to the Electors of the State of Montana, for their approval or rejection, an amendment to Section 10 Article IX of the Constitution of the State of Montana, Relative to the Qualifications of Women Holding Office," hereby report as follows: We recommend that Section 2 be amended by striking out the following words: "court stenographer, deputy clerk of the District Court and Deputy Clerk and Recorder." We recommend that said Bill as so amended do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 63 as amended ordered engrossed then after ordered printed.

Mr. Speaker: The Judiciary Committee having had under consideration

H. B. No. 105, entitled: "A Bill for an Act to Amend Section 4765 of the Political Code of the State of Montana in Reference to the Salary and Compensation of Police Judges," hereby report the same back with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

On motion of Baggs the Report was adopted and H. B. No 105 indefinitely postponed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 10, entitled: "A Bill for an Act Entitled "An Act to Amend Section 1313, of Article I, of Chapter 8, of Title 3, of Part 3, of the Political Code of the State of Montana, Relating to candidates, and questions for the elector, so as to enable labor unions, associations of persons or deliberative bodies, organized for industrial, protective, social or benevolent purposes, to hold conventions or primary meetings for the purpose of nominating candidates for public office, and prescribing the manner in which delegates to such conventions or primary meetings shall be elected under this section," hereby report the same back to the House with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

On motion of Baggs the report was adopted and H. B. No 10. was indefinitely postponed.

Mr. Speaker:

Your Judiciary Committee, to whom was referred H. B. No. 103, entitled: "A Bill for an Act relating (in Relation) to Licenses, Amending 4062, 4063, 4064, 4067 and 4072, of Article II, Chapter XIII, Part III of the Political Code of the State of Montana, and Repealing Sections 4068, 4082, 4083 and 4065 of Article II, Chapter VIII, Part III of the Political Code Relating to Licenses." hereby report the same back to the House with the recommendation that it do pass

M. P. GILCHRIST, Chairman.

Report adopted and H. B. No. 103 ordered printed.

Mr. Speaker:

The Judiciary Committee reports that it has had under consideration S. B. No. 25, entitled "A Bill for an Act to Amend Section 1133, Article XII, Chapter VII, Part III, Title I, of the Political Code of Montana, Relative to Time of Payment of Salaries of District Judges and Other Officers," and it reports to the House that it concurs in the action of the Senate, and recommends that said Bill be passed.

M. P. Gilchrist, Chairman.

Report adopted and S. B. No 25 placed on general orders

Mr. Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 99, entitled: "A Bill for an act to amend sub-division 5 of Section 950, Part II, Title VII, Chapter VI, of the Code of Civil Procedure, relating to the appointment of receivers of corporations," hereby report as follows: In sub-division 5 we recommend that the following words be stricken out, to wit: "or where there has been no election of directors or trustees for a period of three years or more, or where no annual report as required by law, has been made for a period of three years or more;" and that the following words be inserted in place thereof, to wit: "or where by reason of disagreement among directors or trustees the affairs of the corporation are being mismanaged, and at least forty per cent. of the stockholders representing the outstanding shares of the corporation shall unite in a petition therefor," We recommend that said Bill as amended do pass.

M. P. GILCHRIST. Chairman.

Report adopted and H. B. No 99 as amended ordered engrossed.

Helena, Montana, February, 12, 1901.

Mr. Speaker:—

Your Committee on Highways having under consideration H. B. No. 1, introduced by Faust, "A Bill for an Act for the establishment of a Uniform System of Road Government and Administration in the Counties of Montana," report the same back to the House with the recommendation that it do pass,

Rossman, Chairman.

Report adopted and H. B. No 90 ordered printed.

Mr. Speaker:

Your committee on Internal Improvements beg leave to report as follows. Your committee having had under consideration House bill No. 70, introduced by Donlan entitled an act to amend Section 4066, Political Code, Recommends that it do pass with the following amendment, by inserting the words "within the state" after the word himself in last line section 1,

Respectively submitted.

T. F. Richardson, Chairman.

Report adopted and H. B. No 70 as amended ordered engrossed.

Mr. Speaker:—

Your Committee on Printing to whom was referred Senate Bill No. 56 report the same back without printing, as there are already sufficient copies in print for the requirements of both Houses.

Respectfully,

Geo. F. White, Chairman.

Report adopted and S. B. No 56 placed on general orders.

February 12, 1901.

Mr. Speaker:

Your Committee on Agriculture and Stock, to whom was referred Senate Bill No. 78, by Connor of Ravalli, report said Bill back favorably with the following recommendations; that the line in Section I "Such institutes shall be held at least once in each county in each year and at such times and places as the directors may designate" be stricken out, and that the word "three" in line 26 be also stricken out and the word "two" supplied.

Jones, Acting Chairman.

Report adopted and H. B. 78 as amended ordered engrossed.

February 12, 1901.

Mr. Speaker:

Your Committee on Agriculture and Stock, to whom was referred Senate Bill No. 12, by Kelly, respectfully report same back for concurrence by the House.

Jones, Acting Chairman.

(Report adopted and S. B. No 12 placed on general orders)

Mr. Speaker:

Your Committee on Labor, to whom was referred Senate Bill No. 49, respectfully report said Bill back for concurrence by the House with the following amendments:

That the words "to the owners of the premises or property" be stricken out and the words "must be with the County Clerk and Recorder" (be) supplied.

Lewney, Chairman.

Report adopted and S. B. No 49 as amended ordered engrossed.

Third reading of House Bills. H. B. No 19 read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bienenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, White, Woods, Mr. Speaker—61.

Noes—None.

Absent—Dee, Dixon, Donaldson, Fine, McTague, Pendergrass, Sullivan of Silver Bow, Urquhart, Ward—9.

Mr. Speaker ordered the Chief Clerk to transmit H. B. No 19 to the Senate for concurrence.

H. B. No. 55 read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, God-



frey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, White, Woods, Mr. Speaker—61.

Noes—None.

Absent—Dee, Dixon, Donaldson, McTague, Pendergrass, Roland, Sullivan, of Silver Bow, Urquhart, Ward—9.

Mr. Speaker ordered the Chief Clerk to transmit H. B. No 55 to the Senate for concurrence.

H. B. No. 33 read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenberg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Conner of Ravalli, Cram, Crawford, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, White, Woods, Mr. Speaker—60.

Noes—None.

Absent—Berkin, Dee, Dixon, Donaldson, McTague, Pendergrass, Shanley, Sullivan of Silver Bow, Urquhart, Ward—10.

Mr. Speaker ordered the Chief Clerk to transmit H. B. No 33 to the Senate for concurrence.

Moved by Baggs that H. B. No. 90, be recommitted back to Committee on Highways.

Motion carried by the following vote.

Ayes—Baggs, Baker, Becker, Bielenberg, Bourne, Brownlee, Cannon, Connor of Ravalli, Cram, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Jones, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Quinn, Roland, Rossman, Swindlehurst, White, Woods, Mr. Speaker—35.

Noes—Adkins, Axtell, Berkin, Brein, Connor of Cascade Co., Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Hedges, Jensen, Kilgallon, Lannin, Lehman, Lowney, McDonnell of Jefferson, McIntyre, Pelletier, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst—28.

Absent and not voting—Dee, Pendergrass, Sullivan of Silver Bow, Thoroughman, Toole, Urquhart, Ward—7.

H. B. No. 90 referred to Committee on Highways.

On motion of Baggs the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes.

Mr. Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

### HOUSE OF REPRESENTATIVES.

HELENA, MONT, FEB. 13, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy

caused by the resignation of the Hon. William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravali, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Berkin, Brien, Cannon, Ferry, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, Wood, Corbett—14.

For MacGinniss—Adkins, Axtell, Baker, Connor of Cascade, Cram, Crawford, Donaldson, Fine, Fitzpatrick, Geary, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Thoroughman, Ward—24.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Conrad—McDonnell—1.

For Toole—MacGinniss—1.

Absent and paired—Dee, Sullivan of Silver Bow, Urquhart—3.

The President announced the vote of Joint Session as follows:

Lee Mantle .....	32
John MacGinniss.....	26
H. L. Frank .....	21
Walter Cooper .....	7
Robert Coburn .....	2
W. G. Conrad .....	2
J. K. Toole .....	1

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The President announced no one having received a majority of all votes cast there is no election.

Moved by Worden that the Joint Session (Assembly) do now dissolve and the Senate retire from the body of the House.

Motion carried.

Helena, Mont., Feb., 13th, 1901.

Be it resolved as follows, to wit: That the Committee appointed to investigate the charges made in the affidavit filed, and effecting the acts of the Committee concerning House Bill No. 6, is given by the House the following authority:

First, to administer oaths to witnesses.

Second, to call before it all witnesses demanded by the said Committee or requested to be called by any person interested in the said proceeding of said investigation.

Third, to compel attendance of said witnesses.

And the Sergeant of (at) Arms of the House and his assistants are hereby required to aid the said Investigating Committee in carrying out the powers of this resolution in the said Committee vested.

Metlen of Beaverhead.

Moved by Hedges that the resolution be adopted and the request be granted.

Motion Carried.

Moved by Fine that the House adjourn until 1030 tomorrow Feb. (14). 1901.

Amended by Richardson that the House take a recess until 2.30 P. M.

Amended that the House take a recess until 2.30 (3) o'clock P. M.

Substitute for all by McGinniss that the House adjourn until 2.30 o'clock P. M.

(Substitute motion carried)

Mr. Speaker declares the House adjourned until 2.30 o'clock this P. M. 2.30 o'clock.

House Resumes.

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Introduction of Bills.

Hill asked and obtained unanimous consent to introduce State deficiency Bills without previous notice.

Jensen asked and obtained consent to introduce a Bill without previous notice.

#### THE FOLLOWING BILL WAS INTRODUCED.

H. B. No 9 (109,) by Pelletier.

A Bill for an act entitled "An act to regulate the practice of barbering, the licensing of persons to carry on such practice and to insure the better education of such practitioners in the State of Montana.

H. B. No. 110 introduced by Committee on Appropriations

A Bill for an act entitled an act appropriating money for payment of claims of certain persons account expenses of members of the State Board of Education in 1900.

Also; H. B. 111

A bill for an act entitled an act appropriating money for the payment of claims of certain persons for public printing in 1900

Also H. B. 112.

A bill for an act entitled an act appropriating money for the payment of the claims of W. M. Biggs for supplies furnished Historical Library

Also H. B. (No) 113.

A Bill for an act entitled an act appropriating money for the payment of claims of certain persons for services rendered and supplies furnished to the deaf and dumb asylum in 1900

Also H. B. No. 114

A bill for an act entitled an act appropriating money for the payment of claim of Lester S. Wilson trustee of Soldier's Home in the year 1896.

Also H. B. No. 116

A bill for an act entitled an act appropriating money for the payment of claim of Chas. E. Reel on account of transportation of volunteers in the year 1898.

Also H. B. No. 115

A bill for an act entitled an act appropriating money for the payment of claims of certain persons account salaries for services and supplies at the University of Montana in the year 1900.

Also H. B. No. 117.

A Bill for an act entitled an act appropriating money for the payment of claims of certain persons account salaries of State officers and clerks in 1900.

Also H. B. No. 118.

A Bill for an act entitled an act appropriating money for payment of claim of Oliver T. Crane for services as marshal of the Supreme Court of Montana.

Also H. B. No. 119.

A Bill for an act entitled an act appropriating money for payment of claims of certain persons and companies for services rendered to and supplies furnished for (the) State Prison in 1900.

Also H. B. (No.) 120.



A Bill for an act entitled an act appropriating (money for) payment of claim of James B. Hawkins for services as overseer of Reform School of 1900.

Also H. B. (No.) 121.

A Bill for an act entitled an act appropriating money for the payment of claims of certain persons for per diem and mileage as Presidential Electors of the State.

Also H. B. No. 122.

A Bill for an act entitled an act appropriating money for payment of claims of certain persons for extra clerk hire in the State offices in the year 1900.

Also H. B. No. 123.

A Bill for an act entitled an act appropriating money for payment of claim of John F. Smith for reward in the year 1900.

Also H. B. No. 124.

A Bill for an act entitled an act appropriating money for payment of claims of certain persons for services rendered and supplies furnished the Orphans Home during the year 1900.

Also H. B. No. 125.

A Bill for an act entitled an act appropriating money to pay claims of certain companies and corporations account printing and supplies for State Boards of Officers in the year 1900.

Also H. B. (No.) 126.

A Bill for an act entitled an act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the penitentiary during the years 1899 and 1900.

Also H. B. No. 127.

A Bill for an act entitled an act making appropriations for the payment of claims of members of State Board of Charity and reform for expenses while traveling on official duty, and also making appropriations for payment of their expenses during the years 1901 and 1902.

Also H. B. No. 128.

A Bill for an act entitled an act appropriating money for the payment of the claims of certain persons accounts salary and expenses of the commissioner for the State of Montana to the Trans-Mississippi Exposition, and exhibits furnished the State on account of such Exposition.

Also H. B. No. 129.

A bill for an act entitled an act appropriating money for the payment of claims of certain counties and persons accounts refunded taxes in the years 1899 and 1900.

Also H. B. No. 130.

A Bill for an act entitled an act appropriating money for the payment of claim of Bernard Shanahan account of court costs in case of State ex rel Bernard Shanahan vs. John Lindsay, Judge etc.

Also H. B. No. 131.

A Bill for an act entitled an act appropriating money for (the payment of) the claims of certain persons account requisitions during the years 1899 and 1900.

Also H. B. No. 132.

A Bill for an act entitled an act appropriating money for the payment of the claim of J. Rummell for repairs on armory.

H. B. (No.) 133. By Jensen.

A bill for an act to amend Section 4 and 7 relating to public improvements in cities and towns; approved March 8, 1897.

Reading of House Bills.

The following bills were read a first and second time.

H. B. No. 109, read first and second time and Referred to Committee on Affairs of Cities.

H. B. Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132 read a first and second time.

Referred to Committee on Printing.

H. B. No. 133, read a first and second time and Referred to Committee on Affairs of Cities.

Messages from the Senate.

Helena, Montana, February 13, 1901.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, That: Senate Bills Nos. 38, 52, 64 and 65 have been read a third time and passed and are herewith transmitted for your concurrence, and also that substitute for House Bill 23 and H. B. 46 were read a third time and concurred in and are herewith transmitted to the House.

Also That Bills were introduced as follows.

Senate Bill No. 91.

By Murray:

A bill for an act to amend section 4157, 4161 and 4165 of Chapter 2, Title 1, Part 4 of the Political Code of the State of Montana, relating to the removal of county Seats.

Respy

C. A. Whipple, Secy.

Helena, Montana, February 12, 1901.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, That Senate Bills were introduced as follows:

Senate Bill No. 87.

By Worden:

An Act to amend Section 180 of Title 2, Chapter 3 of the Code of Civil Procedure of the State of Montana relating to the disqualification of Judges. Senate Bill No. 8.

My Meyer of Carbon:

A bill for an Act entitled "An Act providing for a meat and milk inspector in cities having twenty Five Hundred inhabitants or over within the State of Montana, and presenting the duties and powers of such inspector, and to regulate the sale of meat and milk and live domestic animals intended for food purposes and prescribing penalties for the violation of the provisions of this Act.

Senate Bill No. 89.

By Committee on Judiciary by request;

A bill for an Act entitled "An Act to create a State Fiscal Agency in the City of New York and define its duties.

Senate Bill No. 90.

Introduced by Com. Mines and Mining:

A bill for an Act appropriating the sum of Fifteen Thousand Dollars for the purpose of making an exhibition of the products of the mines and precious metals of Montana at the Pan-American Exposition at Buffalo, N. Y. in the year 1901.

Respectfully,

C. A. Whipple, Secretary.

On motion of Hedges the House adjourned until 10.30 oclock tomorrow Feb 14th, 1901.

Roger E. Skelly, Chief Clerk.

Frank E. Corbett, Speaker.

## THIRTY-NINTH DAY

### HOUSE OF REPRESENTATIVES

Helena, Mont. Feb. 14, 1901.

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain.

The Journal of the previous day was read and approved with the fol-

lowing corrections that the numbers of each appropriation Bill be inserted in the minutes.

Moved by Hedges that the name of Skelly be stricken from the list of employes of the House and the name of Mr. Stoddard inserted to take effect Feb 9.

Motion Carried.

Notices.

Notices of the introduction of bill were as follows:

By Berkin:

A Bill for an act to prohibit the herding or grazing of sheep within certain specified distances of any homestead or incorporated town or city.

Also.

A Bill for an act to enable the State Auditor to purchase ten thousand State maps in folder form for free distribution.

By Gilchrist :

A Bill for an act entitled an act to amend Section 525 of the Civil Code. Report of Standing Committees.

House of Representatives.

February 14, 1901.

Mr Speaker:

Your Committee on Judiciary, to whom was referred H. B. No. 92, entitled: "An Act to Amend Section 380 of the Political Code of Montana, Relating to Kidnapping," report as follows: We recommend that Section 3 be so amended as to read "and is punishable by imprisonment in the State Prison for not less than one year," instead of "and is punishable by imprisonment in the State Prison for not less than ten years." We further recommend that the title be amended so as to read "Penal" Code instead of "Political" Code. We recommend said bill as amended for passage.

M. P. Gilchrist, Chairman.

Report adopted and H. B. No 92 as amended ordered engrossed

Mr Speaker:

Your Committee on Printing, to whom was referred House Bill No. 64, 100, 75, 71 report the same back as properly printed.

Geo. F. White, Chairman.

Report adopted and H' B's No's 64, 100, 75, and 71 placed on general orders

Mr Speaker:

Your Committee on Engrossment report correctly engrossed House Bills No's 24 and 42 and herewith returned the same to the House.

B. F. Myers, Chairman.

Report adopted and H. B.'s Nos 24 and 42 placed on third reading

First Reading of Senate Bills:

S. B. No 65 Read First and Second time

Referred to Committee on Affairs of Cities.

Mr. Speaker announces that he was about to sign S. B. No. 20 and does so in the presence of the House. Also S. B's (No's) 23 and 19.

Senate Bill (No) 64 Read First and Second time.

Referred to Committee on Judiciary

Senate Bill No 52 Read First and Second time.

Referred to Committee on Mines and Mining

Senate Bill No 38 Read First and Second time

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

The following bills were introduced.

H. B. No. 134, by Gilchrist:

A Bill for an act entitled an act to amend Sections 1050, 1052, 1059 of the Code of Civil Procedure and to repeal Sections 1063 and 1064 of the Code of Civil Procedure.

H. B. No. 135, by Dixon:

A Bill for an act to confer certain powers upon any society organized for the purpose of providing homes for homeless children and upon County



Commissioners and Justices of the Peace in regard to the care of indigent children.

H. B. No. 136, by Hedges:

A Bill for an act entitled "An act providing certain regulations relative to the sale of intoxicating liquors.

Also H. B. No. 137.

A Bill for an act to amend Section 541 of the Penal Code of the State of Montana relating to offenses against good morals.

Reading of House Bills.

The following bills were read first and second time.

H. B. No. 134, read first and second time.

Referred to Committee on Judiciary.

H. B. No. 135, read first and second time.

Referred to Committee on Judiciary.

H. B. No. 136, read first and second time and

Referred to Committee on Ways and Means.

H. B. No. 137, read first and second time.

Referred to Committee on Ways and Means.

Moved by Newton that H. B. No 100 be placed at the head of the general orders.

Motion carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Bourne, Brownlee, Connor of Ravali, Crawford, Donlan, Faust, Ferry, Fine, Godfrey, Gregory, Hedges, Hill, Jensen, Jones Lamm, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell of Jefferson, McIntyre, Metlin, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Rossman, Sanden, Shanley, Toole, Woods, Mr. Speaker—42.

Noes—Berkin, Bielenburg, Brein, Cannon, Connor of Cascade Co., Cram, Fitzpatrick, Geary, Gilchrist, Hartwig, (Kilgallon), Meunier, Pendergrass, Quinn, Stull, Sullivan of Lewis and Clarke, Swindlehurst, Thoroughman, White—19.

Absent—Becker, Dee, Dixon, Donaldson, McDonnell of Deer Lodge, McTague, Sullivan of Silver Bow, Urquhart, Ward—9.

Mr. Speaker ordered H. B. No 100 placed at the head of general orders.

On motion of Baggs the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb. 14, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Hon. William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullan, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Berkin, Brein, Cannon, Ferry, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—15.

For MacGinniss—Adkins, Axtell, Baker, Connor of Cascade, Cram, Crawford, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Urquhart, Thoroughman, Ward—25.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

Absent—Dee, Dixon, McDonnell of Deer Lodge—3.

The President announced the vote of the Joint Session as follows:

Lee Mantle .....	31
John MacGinniss .....	27
H. L. Frank .....	22
Walter Cooper .....	7
Robert Coburn .....	2
J. K. Toole .....	1
W. G. Conrad .....	1
	—

Total 91.

The President announced no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of Connor of Cascade the House adjourned until 2.30 o'clock P. M.

2.30 o'clock.

House Resumes

Mr. Speaker in the Chair

Roll Call

Quorum Present.

Urquhart asked permission to return to order of business No 4.

There being no objection the request was granted.

Report of Select Committees.

Report received and placed on file and referred to Committee on State Institutions.

The House resolved itself into Committee of the whole for consideration of H. B.'s No's 100, 39 and 30.

Swindlehurst in the Chair.

House Resumes.

Mr. Speaker in the Chair.

Report by the Committee of the Whole

Mr Speaker:

The committee of the whole having considered House bills 100-39 and 30 recommend as follows:—

1st. That House Bill No. 100 do pass.

2nd. That the enacting clause of H. B. No. 39 be stricken out.

3rd. That House Bill No. 30 be referred to the committee from which it was reported, "with instructions to report a bill of apportioning the entire representation so that it shall be 70"

Swindlehurst, Chairman.

Moved by Baker that the Sections of the report of the Committee be adopted separately.

Motion carried.

On motion of Lannin the report of the Committee on H. B. No. 100 was adopted.

Moved by Baker that the report of the Committee on H. B. No 39 be rejected.

Motion was lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Brein, Connor of Cascade Co., Crawford, Faust, Ferry, Fitzpatrick, Kilgallon, Lannin, Lowney, MacGinnis, McDonnell of Jefferson, Meunier, Pelletier, Quinn, Richardson, Rolad, Sanden, Sullivan of Lewis & Clarke, Urquhart, Ward—25.

Noes—Berkin, Bielenberg, Bourne, Brownlee, Cannon, Connor of Ravalli, Cram, Donaldson, Donlan, Fine, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jensen, Jones, Lehman, Madden, Martin, McCone, Metlen, Murray, Myers, Newton, Patterson, Rossman, Shanley, Stull, Swindlehurst, Toole, White, Woods, Mr. Speaker—35.

Absent—Dee, Dixon, Hartwig, McDonnell of Deer Lodge, McIntire, McTague, Newbary, Sullivan of Silver Bow and Thoroughman—9 (Pendergrass—10)

Moved by Hedges that the report of Committee on H. B. No. 30 be adopted.

Motion Carried.

Lehman asked permission to return to order of business No. 2.

Moved by Lannin that the House return to order of business No. 2.

Amendment by Stull that the House adjourn until 10.30 o'clock tomorrow Feb 15 1901.

Amendment Lost.

Moved by Berkin that all motions and amendments be tabled.

Motion lost.

Moved by Toole that the House adjourn until 10.30 oclock tomorrow Feb. 15, 1901.

On Motion of Stull the House returned to order of business No. 2.

Notices.

Helena, Feby 14, 1901.

Mr Speaker:

I hereby give notice that on to-morrow I will move to change joint rule Number 22, relating to the appointment of a steering committee to the effect that the appointment of a steering committee be left to the house.

Lehman.

Donaldson asked permission to return to order of business No. 3

There being no objection the request was granted.

Reports of Standing Committees.

Mr. Speaker:

Your Committee on Enrollment report Substitute for H. B. No. 23, as correctly enrolled.

MacGinniss, Chairman.

Mr. Speaker:

Your Committee on Enrollment report H. B. No. 46 as correctly enrolled.

MacGinniss, Chairman.

Mr. Speaker:

Your Committee on State Institutions and Public Buildings report House Bill No. 83 introduced by Dixon back to the House with recommendations that it do pass as amended.

Urquhart, Chairman.

Report adopted and H. B. No 83, ordered engrossed.

Mr. Speaker announced that he is about to sign H. B.s No's 46 and 23 and does so in the presence of the House.

On motion of Baggs the House adjourned until 10.30 tomorrow Feb 15, 1901.

Roger E. Skelly, Chief Clerk.

Frank E. Corbett, Speaker.



## FORTIETH DAY

House of Representatives.

Helena, Mont., Feb 15 1901.

House met pursuant to adjournment at 10.30 A M.

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain

The Journal of the previous day was read and approved.

Notices.

Notice by the Speaker

House of Representatives,

Helena, Montana, Feb. 15, 1901.

To the Members of the House of Representatives,

Of the Seventh Legislative Assembly,

Of the State of Montana.

The Speaker of the House hereby announces that he hereby appoints, under Joint Rule No. 22, the following members as a steering committee to act under said rule, to wit:

M. P. Gilchrist, of Silver Bow, Emerson Hill, of Beaverhead, George R. Wood of Cascade, John Bielenberg, of Deer Lodge, Nathan Godfrey, of Meagher, Frank E. Corbett, Speaker.

On motion of Baker report was adopted.

Notices of the introduction of Bills were as follows:

By Hedges: A Bill to repeal Sections 3698 and 3699 of the Political Code relating to the appointment of Commissioners for the appraisement of Real Estate.

By Stull: A Bill to authorize the State Board of Health to determine the qualifications and issue license to persons engaged in preparing for burial or transportation human bodies dead of infectious or contagious diseases.

By Gilchrist: A Bill for an act entitled an act to repeal Section 731 of the Code of Civil Procedure.

By Berkin: A Bill to amend Section 634, of Chapter II, of Title 9, of Part I of the Penal Code of the State of Montana, relating to other injuries to persons.

Also: A Bill to amend Sections 550, 552, 553, 559, 560, 561, 563, 566 and 567 of Article V, of Chapter III, of Title I, of Article (Part) 3 of the Political Code of Montana, relating to the Inspector of Boilers.

## REPORTS OF STANDING COMMITTEES.

Helena, Mont. Feb 15. 1901

To the Hon, the House of Representatives

Your Committee on Apportionment and Representation, in accordance with the vote of the House on the 14th inst; and agreeable to the Statute in such case made and provided, base the apportionment on each 4000 of population—which makes the Representation as follows:

Beaverhead County 2.

Broadwater County 1.

Carbon County 2.

Cascade County 7.

Choteau County 3.

Custer County 2.

Dawson County 1.

Deer Lodge County 3.

Fergus County 2.

Flathead County 3.

Gallatin County 3.

Granite County 2.

Jefferson County 2.

Lewis & Clarke County 5.

Madison County 2.  
 Meagher County 1.  
 Missoula County 4.  
 Park County 2.  
 Powell County 2.  
 Ravalli County 2.  
 Rosebud County 1.  
 Silver Bow County 12.  
 Sweet Grass County 1.  
 Teton County 2.  
 Valley County 2.  
 Yellowstone County 2.  
 Total—71.

THOS. F. WARD, Chairman.

Moved by Baker that further consideration of the report be indefinitely postponed.

Substitute motion by Toole that the report be referred back to the Apportionment Committee.

Substitute motion Carried.

Mr. Speaker:—your committee on Engrossing report as correctly engrossed House Bills No's 99, 63, 70, 78, and 59 and Senate Bill No. 49 and herewith return the same to the House. B. F. MYERS Chairman.

Report adopted and House Bills Nos 99 63, 70, 78, and 59 were ordered printed.

Senate Bill No 49. Placed on general orders.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. 102, by Wood respectfully report said bill back to the House for indefinite postponement. R. P. THOROUGHMAN Chairman.

Report adopted and H. B. (No.) 102, indefinitely postponed.

### THIRD READING OF HOUSE BILLS.

H. B. No. 42. Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—64.

Noes—None.

Absent—Berkin, Dee, Dixon, Madden, McDonnell of Deer Lodge, Sullivan of Silver Bow—6.

H. B. No 24 Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, (Roland,) Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Ward, White, Woods, Mr. Speaker—60.

Noes—None.

Absent—Dee, Dixon, Lannin, Madden, McDonnell of Deer Lodge, Meunier, Newberry, Sullivan of Silver Bow, Toole, Urquhart—10.

H. B. No. 100, was Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade Co., Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newton, Patterson, Pelletier, Pendergrass, Quinn, Roland, San

den, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Ward, Wood, Mr. Speaker—54.

Noes—Berkin, Kilgallon, Stull, White—4.

Absent—Cannon, Dee, Dixon, Madden, McDonnell of Deer Lodge, Meunier, Newbury, Richardson, Kossman, Sullivan of Silver Bow, Toole, Urquhart—12.

Mr. Speaker ordered the Chief Clerk to transmit H. B. No's 42, 24, and 100 to the Senate for concurrence.

#### READING OF SENATE BILLS.

S. B. No 54. Read first and second time

S. B. No. 46. Read first and second time Referred to Committee on Corporations other than Municipal.

S. B. No 37. Read first and second time Referred to Committee on Judiciary.

Moved by Lannin that S. B. No 54 be indefinitely postponed.

Motion Carried.

On motion of Roland the House took a recess until 12 o'clock M.

12. o'clock M.

House Resumes.

Mr. Speaker in the Chair.

The Honorable, the Senate entered (the House,) were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 15 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Hon. William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbury, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Berkin, Brein, Cannon, Ferry, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—15.

For MacGinniss—Adkins, Axtell, Baker, Conner of Cascade, Cram, Crawford, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Thoroughman, Ward—23.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.



Absent—Dee, McDonnell of Deer Lodge, Sullivan of Silver Bow and Urquhart—4.

The President announced the vote of Joint Session as follows:

For Lee Mantle .....	31
Jno. McGinniss .....	25
H. L. Frank .....	22
Walter Cooper .....	7
Robert Coburn .....	2
J. K. Toole .....	1
W. G. Conrad .....	1

—  
89

The President announced no one having received a majority of all votes cast there is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the hall of the House.

Motion Carried.

Moved by Lannin that House take a recess until 2.30.

Substitute by Baggs that the House adjourn until 10.30 tomorrow Feb 16, 1901. out of respect of the death of Lee Mantle's mother.

Substitute Motion Carried.

Mr Speaker declared the House adjourned until 10.30 tomorrow Feb 16 1901.

ROGER E. SKELLY Chief Clerk

FRANK E. CORBETT Speaker

## FORTY-FIRST DAY

House of Representatives.

Helena Mont. Feb 16 1901

The House met pursuant to adjournment at 10.30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

Mr Speaker announced that the Governor had informed him that Substitute for H. B. No 23. in his possession was not in legal form.

On motion of Conner of Cascade the enrolling Committee was authorized to go and get Substitute for H. B. No 23. from the Governor and return said bill to the House.

### NOTICES.

The notice of introduction of bills are as follows:

By Axtell A bill for an Act entitled an act providing for the submitting to the electors of the State of Montana for their approval or rejection amendments to Article 18 of the Constitution of Montana relating to labor, by adding thereto 7 new sections, as follows:

1. For the protection of the rights of labor.
  2. For the establishment of a board of labor, conciliation and arbitration.
  3. Prohibiting the employment of women and children under a certain age in underground mines, and the contracting of convict labor and the political and commercial control of employees.
  4. Prohibiting the exchange of black lists by corporations or persons.
  5. Relative to the abrogation of the right to recover damages for death by reason of wrongful act.
  6. Making 8 hours a days labor on public works, smelters and underground mines.
  7. Providing for legislation to enforce this act.
- By Hill: A bill for an act entitled an act authorizing the State treasurer

and the state auditor each to purchase of the American Arithmometer Company one Burroughs Registering Accountant for use in their respective offices, and appropriating money for that purpose.

By Baggs. A bill for an act to amend section 530 Chapter VI, Title IX, of the Penal Code of Montana relating to Sunday closing.

By Swindlehurst. A bill for an act to extend the boundaries of Park County and to alter the boundaries of Sweet Grass County to conform thereto.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:—Your Committee on Printing to whom was referred House Bills numbered 31, 94, 77, 106, 82, 96, and 110 and H. J. M. No. 3 respectfully report the same back as correctly printed, with the one correction that in H. J. M. No. 3 in line 4, two letters in the word "reserve" are transposed.

Respectfully submitted. GEO. F. WHITE Chairman.

Report adopted and H. B's No's 31 94, 77, 106, 82, 96 and 110, and H. J. M. No. 3. Placed on general orders.

Mr. Speaker:—We, your Committee on Affairs of Cities, beg leave to report that we have had under consideration Senate Bill No 65 introduced by Stanton, being an Act creating a board of Park Commissioners as a department of city government in cities of the first class, &c., and hereby recommend that said Bill be concurred in, as amended.

CHARLES LANNIN Chairman.

Report adopted and H. B. No 65 as amended ordered engrossed.

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day Feb. 15 at the hour of 4:00 P. M. delivered to His Excellency, the Governor, Substitute for H. B. No. 23.

"An Act Entitled." An Act to Amend Section 32, Title I, Part I, Chapter IV., of the Code of Civil Procedure, and to Provide for an Additional Judge for the Second Judicial District of the State of Montana.

MacGINNISS Chairman.

Report adopted and placed on file

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day Feb. 15 at the hour of 4:00 P. M. delivered to His Excellency, the Governor, H. B. No. 46, "An Act Entitled." An Act Amending Section 3134, Chapter 6, Part 3, Title 7, of the Political Code of the State of Montana, Relating to Standard Weights and Measures."

MacGINNISS Chairman.

Report adopted and placed on file.

Mr. Speaker:—Your committee on Affairs of Cities to whom was referred House Bill No. 107, introduced by Baker, entitled a bill for an Act to amend section 4800 of the Political Code of the State of Montana as the same is now in force after amendment by an Act of the Fifth Legislative Assembly entitled "An Act to amend Section 4800 of the Political Code relative to legislative powers of cities and to enable cities and towns to acquire by purchase, construction, or condemnations proceedings, water plants, water supplies, franchises, public buildings and sewers", approved March 8, 1897. So as to provide for the method of conducting and canvassing elections for the extension of the limit of indebtedness of cities and towns over and above the limit of 3 per cent of the last assessed valuation for state and county taxes and who shall be entitled to vote at such election, and also to repeal certain portions of subdivision 64 of said section 4800, beg leave to report the same back to the House with the recommendation that it do pass.

MR. LANNIN Chairman.

Report adopted and H. B. No 107 ordered printed.

Mr. Speaker:—Your committee on Affairs of Cities, to whom was referred House Bill No. 133, introduced by S. R. Jensen, entitled "A bill for an Act to amend section 4 and 7 of an Act relating to public improvements in cities and towns" approved March 8, 1897, beg leave to report the same back to the House with the recommendation that it do pass.

MR. LANNIN. Chairman.

Report adopted and H. B. No 133 ordered printed.

Mr. Speaker:—Your Committee on Engrossment report correctly en-

grossed House Bills No's 83 and 92 and herewith return the same to the House.

B. F. MYERS Chairman.

Report adopted and H. B. No 83 and 92, ordered printed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 22, entitled: A Bill for an Act entitled An Act to Provide for the Appointment by the Supreme Court of Three Commissioners of the Supreme Court, and to Appoint a Secretary Therefor, to Relieve said Court from the Overburdened Condition of Its Calendar," hereby report that it has considered said Bill; that a doubt arose in said Committee as to the constitutionality of said Bill, and the Committee being divided, we recommend that said Bill be placed on General Orders.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 22 placed on general orders.

Mr. Speaker: Your Committee on Incorporations other than Municipal have had under consideration Senate Bill No. 46, A Bill for an Act to Provide the Conditions upon which Foreign Corporations may do business in this State, and to Repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana; report it back to the House with the recommendations that further consideration of it be indefinitely postponed.

J. E. MARTIN Chairman.

On motion of Baggs S. B. No 46 was indefinitely postponed

#### READING OF SENATE BILLS.

S. B. No. 39. Read a first and second time. Referred to Committee on Agriculture and Stock

On motion of Conner of Cascade S. B. No 39 was indefinitely postponed.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

H. B. No. 138 by Berkin. A bill for an act to enable the State Auditor to purchase 10,000 State maps in folder form for free distribution.

H. B. No. 139. By Berkin. An act to amend section 634, Chapter II. of Title IX. of Part I. of the Penal Code of the State of Montana relating to other injuries to persons.

H. B. No. 140 By Berkin. An act to amend sections 550, 552, 553, 559, 560, 561, 563, 566 and 567, of Article 15, of Chapter III. of Title I. of Part III. of the Political Code of the State of Montana relating to the inspection of boilers.

H. B. No. 141 By Gilchrist. A bill for an act entitled an act to amend section 525 of the Civil Code.

H. B. No. 142 by Hedges. A bill for an act entitled an act to repeal sections 3698 and 3699 of the Political Code relating to the appointment of commissioners for the appraisalment of real estate.

On motion of Connor of Ravalli a Committee of 5 was appointed to draft resolutions of Condolence to the Hon Lee Mantle upon the Death of his mother.

#### READING OF HOUSE BILLS.

H. B. No. 138 Read a first and second time Referred to Committee on Internal Improvements.

H. B. No 139. Read a first and second time. Referred to Committee on Mines and Mining.

The Honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 16, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called



the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Hon. William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Faust, Godfrey, Gregory, Hedges, Jones, McCone, McIntire, Murray, Newberry, Newton, Roland, Shanley, Stull—18.

For Frank—Brein, Cannon, Ferry, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—14.

For MacGinniss—Axtell, Baker, Connor of Cascade, Cram, Dee, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lewney, Meunier, Pelletier, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Thoroughman, Ward—20.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

Absent—Adkins, Becker, Berkin, Crawford, Dixon, Donlan, Lehman, McDonnell of Deer Lodge, McDonnell of Jefferson, Patterson, Pendergrass, Sullivan of Silver Bow and Urquhart—13.

The President announced the vote of the Joint Session as follows:

Lee Mantle .....	27
John MacGinniss .....	22
H. L. Frank .....	21
Walter Cooper ....	7
Robert Coburn .....	2
J. K. Toole .....	1
W. G. Conrad .....	1
Total .....	81

The President announced no one having received a majority of all votes cast there is no election.

Moved by Kennedy that the Joint Assembly do now dissolve and the Senate retire from the ball of the House.

Motion Carried.

The following Committee was appointed by the Speaker to draw up resolutions of Condolence for Hon Lee Mantle.

Connor of Ravalli, MacGinnis, Baker, Hedges, Dee.

Substitute for H. B. No 23 was Rereferred to Judiciary Committee.

On motion of Connor of Cascade the House adjourned until 11 o'clock Monday Feb 18th 1901.

FRANK E. CORBETT Speaker

ROGER E. SKELLY Chief Clerk

## FORTY-THIRD DAY

House of Representatives.

Helena, Mont Feb 18. 1901

House met pursuant to adjournment at 11. A. M.

Mr Speaker in the Chair

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

### NOTICES.

Notices of introduction of Bills were as follows:

By Berkin: A Bill for an act entitled an act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114 of the Political Code of Montana and to provide for the appointment of a State game and fish warden, deputy game and fish wardens and special deputy game and fish wardens, defining their powers and duties and providing for their compensation.

By Crawford: An act entitled an act to appropriate money for the payment of the claim of C. C. Willis for services as Sheep Inspector.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 93 respectfully report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B. No 93 referred to steering Committee.

Mr. Speaker:—Your Committee on printing to whom was referred House Bill No. 104, respectfully report the same correctly printed except the word "removal" on page 5 Line 92 should be "removed".

Respectfully submitted.

GEO. F. WHITE Chairman.

Report adopted and H. B. No 104 referred to Steering Committee.

Mr. Speaker: your committee on judiciary, beg leave to report a Bill for an act entitled "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional judge for the second judicial district of the State of Montana", and to recommend that the same do pass.

Report adopted and H. B. No 143 ordered on its first reading. Ordered Printed.

Mr. Speaker:—Your Committee on Printing to whom was referred House Bills Nos. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132, respectfully report all correctly printed, and House Bill No. 103 with a correction in Line 49 of Page 3 the letter "a" should be "e" in "jewelry", and in Line 73 Page 4 the letter "s" is omitted from the word "must".

Respectfully submitted.

GEO. F. WHITE Chairman.

Report adopted and H. B.'s No's 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 and 103. Referred to Steering Committee.

Mr. Speaker:—Your Committee on Engrossment report correctly engrossed amendment to Senate Bill No. 65, and herewith return the same to the House.

B. F. MYERS Chairman.

Report adopted and S. B. No 65. Referred to Steering Committee.

Mr. Speaker:—Mr. Crawford and Mr. Dixon and Mr. Pendergrass and Mr. Becker having paired on U. S. Senator for today Monday Feb. 18th, 1901, and Mr. Dixon and Mr. Pendergrass both being present the pairs will be so adjusted as to allow Mr. Dixon and Mr. Pendergrass to vote and Mr. Crawford and Mr. Becker will be paired on U. S. Senator for today.

Mr. Bourne and Mr. Axtell are also paired for today on U. S. Senator.

Mr. Speaker: The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of

Bills, Resolutions, and Memorials, now on General Orders, in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

1. S. B. No. 5.
2. S. B. No. 16.
3. S. B. No. 8.
4. H. B. No. 80.
5. H. B. No. 79.
6. H. B. No. 89.

M. P. GILCHRIST Chairman House Steering Committee.

C. W. HOFFMAN Chairman Senate Steering Committee.

#### FIRST READING OF SENATE BILLS.

Moved by Hedges that S. B. No 39 be taken up and referred to Committee on Internal Improvements.

Motion Carried.

S. B. No 67 Read a first and second time Referred to Committee on Ways & Means.

#### INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 143, by Committee on Judiciary. A Bill for an Act entitled "An Act to amend Section 32, Title I, Part I, Chapter IV of the Code of Civil Procedure, and to provide for an additional judge for the second judicial district of the State of Montana.

H. B. No. 144, by Pelletier. A Bill for an act to provide for the appointment of an Inspector of Meats, prescribing his qualifications, defining his duties and fixing his compensation; and to prevent the sale of diseased, corrupted or unwholesome meats.

H. B. No. 145, by Swindlehurst. A Bill for an act to extend the boundaries of Park County and to alter the boundaries of Sweet Grass County to conform thereto.

H. B. No. 146, by Committee on Appropriations. A Bill for an act entitled an act authorizing the State Treasurer and the State Auditor each to purchase of the American Arithmometer Company one Burroughs Registering Accountant for use in their respective offices, and appropriating money for that purpose.

#### READING OF HOUSE BILLS.

The following Bills were read first and second time:

H. B. No. 141, read a first and second time. Referred to Committee on Incorporations Other than Municipal.

H. B. No. 142, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 143, read a first and second time. Referred to Committee on Printing.

H. B. No. 144, read a first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 145, read a first and second time. Referred to Committee on Townships and Counties.

H. B. No. 146, read a first and second time. Referred to Committee on Printing.

On motion of Faust the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 18 1901.

The members of the Senate and House of Representatives of the State



of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Hon. William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Bielenberg, Brownlee, Conner, Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—20.

For Frank—Berkin, Brein, Cannon, Ferry, Geary, Gilebrist, Hill, Kilgallen, McTague, Rosman, Toole, White, Wood, Corbett—14.

For MacGinniss—Adkins, Baker, Conner of Cascade, Cram, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lappin, Lewney, McDonald, Mennier, Pelletier, Pendergrass, Quinn, Richardson, Sander, Sullivan of Lewis and Clarke, Thoroughman, Ward—21.

For Cooper—Martin, Metlap, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Conrad—McDonnell—1.

Absent and Paired—Axtell, Becker, Bourne, Crawford, Dee, Lehman, Madden, Sullivan of Silver Bow, Ureuhart—9.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	29
" John MacGinniss .....	23
" H. L. Frank .....	21
" Walter Cooper .....	7
" Robert Coburn .....	2
" W. G. Conrad .....	2
" J. K. Toole .....	1
Total .....	85

The President announced no one having received a majority of all votes cast there is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 14, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

Senate Bill No. 92. By McLean: A bill for an act to prevent the slaughter and sale of big jawed cattle and cattle having any other disease and prescribing punishment therefor.

Senate Bill No. 93. By Committee on Judiciary. A bill for an act to amend Chapter XIII, Title XII of the Penal Code of Montana relating to

the malicious destruction of property by the use of dynamite and other explosives by adding to said Chapter an additional section to be numbered 1035.

Senate Bill No. 94. By Kelly: An Act to prohibit and adequately and punish the wilful and malicious destruction of fences.

Respectfully,

C. A. WHIPPLE Secretary.  
Helena, Montana, Feb 15 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 95. By Committee on Public Lands. A Bill for an Act Authorizing and regulating the leasing of State Lands for mining purposes.

Respy

C. A. WHIPPLE Secy  
Helena, Montana, February 8, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills 67 has been read a third time and passed and is herewith transmitted for your concurrence, also that House Bill No. 18 has been read a third time and concurred in and is herewith transmitted.

Respectfully,

C. A. WHIPPLE Sec.  
Helena, Montana, Feb'y 16th, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following bills were introduced in the Senate.

S. B. No. 96. By Geiger. An act entitled an act to authorize John O'Brien, his heirs and assigns, to build or acquire or maintain certain dams and booms across the Swan, or Bigfork river, below where said river crosses the east line of section 31 in township 27 north of range 19 west, and the west line of said township.

S. B. No. 97. By Committee on Apportionment and Representation. A bill for an act entitled An Act to provide for apportionment of membership and representation in the House of Representatives of Legislative Assemblies of Montana and to fix the number of members thereof.

S. B. No. 98. By Biggs by request. An Act to amend section 1236 of the Code of Civil Procedure of Montana relating to the redemption of real property.

Respy

C. A. WHIPPLE Secretary.  
Helena, Montana, Feb'y. 16, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: H. B. No. 42 was read first time and rejected, and, said bill is herewith returned to your Honorable body.

C. A. WHIPPLE Secretary.  
Helena, Montana, Feb 14, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bills Nos. 12, 25 and 29 have been read a third time and concurred in and are herewith transmitted.

House Bill No. 19 read first time and rejected for reason that similar bill introduced by Senator Kennedy has been passed by the Senate and transmitted to the House on the 29th January.

Senate Bills No. 37, 39, 46 and 54 have been read a third time and passed and are herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secretary.

On motion of Fitzpatrick the House took a recess until 2.30 o'clock.

2.30 o'clock.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Kilgallon asked unanimous consent to return to order of business No. 10.

The request was granted.

Mr. Speaker I hereby move that Senate Bill No. 46 be taken up and referred to Committee on Judiciary.

T. S. KILGALLAN

Motion Carried.

Mr. Speaker:—I move that H. B. No. 80 be taken from general orders today and that the Steering Committee be requested to make H. B.s Nos. 80 and 103 a special order for 2.30 o'clock Wednesday Feb 20, 1901.

BAGGS.

Mr Speaker declares the motion by Baggs out of order.

Baggs appeals from the decision of the chair.

The House sustains the decision of the Chair.

Moved by Baggs to reconsider the vote.

Substitute motion by Toole to lay Baggs' motion on the table.

Substitute motion Carried.

#### REPORT OF STANDING COMMITTEE.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B's No. 25. & 29, as correctly enrolled. MacGINNISS Chairman.

Report adopted.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 18, as correctly enrolled. MacGINNISS Chairman.

Report adopted.

Mr Speaker announces that he is about to sign H. B's No's 25, 29 and 18 and does so in the presence of the House.

The house went into Committee of the whole for consideration of S. B's No's. 5 16 and 8.

Lannin in the Chair.

House Resumes.

Mr Speaker in the Chair

Lannin Chairman of the Committee of the whole made the following report.

Mr Speaker .Your Chairman of the Com. of the whole having under consideration Senate Bills No. 5. 16 and 8, begs leave to report that

S. B. No 5 be concurred in.

S. B. No 16 that the enacting clause be stricken out.

S. B. No 8, that the enacting clause be stricken out LANNIN

Moved by Toole that the report be adopted.

Sub. motion by Richardson that the House take up each bill separately.

Substitute motion Carried.

Moved by Lannin that the report on S. B. No 5 be adopted.

Motion Carried.

Moved by Dee that the report on S. B. No 16. be adopted.

Motion Carried.

Moved by Quinn that the report on S. B. No 8 be rejected.

Motion lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Crawford, Dee, Ferry, Gilchrist, Hedges, Jensen, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell of Jefferson, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Shanley, Swindlehurst, Ward, Woods—25.

Noes—Baker, Berkin, Bielenburg, Brein, Brownlee, Connor of Cascade Co., Connor of Ravalli, Cram, Dixon, Donaldson, Donlan, Faust, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hill, Jones, Lehman, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Patterson, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Toole, White, Mr. Speaker—38.

Absent—Becker, Bourne, Cannon, Madden, Sullivan of Silver Bow, Thorughman, Urquhart—7.

Moved by Roland that the House adjourn until 10.30 o'clock tomorrow Feb 19 1901.

Motion Lost.

#### REPORT OF STANDING COMMITTEE.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 12. as correctly enrolled. MacGINNISS Chairman.

Report adopted.

Mr Speaker announced that he is about to sign H. B. No 12. and does so in the presence of the House.

The House resolved itself into the Committee of the whole for consideration of H. B's No's. 80, 79 and 89.

Toole in the Chair.

House Resumes

Mr Speaker in the Chair.



Toole Chairman of the Committee of the whole made the following report.

Mr. Speaker Your Com of the whole house have had under consideration H. B. No. 80 and report the same back with the recommendation that the same do pass as amended

TOOLE Chairman

Moved by Dee that the report be adopted

Motion Carried.

H. B. 80. Referred to Engrossing Committee.

Moved by Gilchrist that the House adjourn until 10. o'clock tomorrow Feb 19, 1901.

Substitute motion by Baggs that the House adjourn until 10.30 o'clock tomorrow Feb 19. 1901.

Substitute motion Carried.

Mr. Speaker declares the House adjourned until 10.30 o'clock tomorrow Feb 19, 1901

ROGER E. SKELLY Cfk Clk

FRANG E. CORBETT Speaker

## FORTY-FOURTH DAY

House of Representatives.

Helena Mont Feb 19. 1901

House met pursuant to adjournment at 10.30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

### NOTICES.

Notices of the introduction of Bills were as follows:

By Stull: A Bill for an act entitled "An act to prevent wrongs to children.

By Roland: A Bill for an act to amend Section 220 of the Political Code of Montana, relating to compensation of members, officers and employees of the Legislative Assembly.

### REPORT OF STANDING COMMITTEES.

Mr. Speaker:--Your Committee on Internal Improvements beg leave to submit the following report: Having had under consideration H. B. No. 138 Introduced by Berkin, recommend that it do pass; also H. B. No. 72, introduced by Murray, recommend that it do pass with the following amendments: After the word "wrapper" in the title of the bill insert the words "to minors"; in line two, section 1, strike out the word "anyone" and insert the word "minors"; in line 3, Section 2, strike out the words "one hundred" and insert the word "fifty"; in line 4, Section 2, strike out the words "three months" and insert "thirty days"; in last line in Section 2, strike out the words "one year" and insert "six months in the County jail".

T. F. RICHARDSON Chairman.

Report adopted and H. B. 138 referred to Committee on appropriations and Engrossing. H. B. No 72 ordered engrossed

Mr. Speaker:--Your Committee on Engrossment report correctly engrossed House Bill No. 80 and herewith return the same to the House.

B. F. MYERS Chairman.

Report adopted and H. B. No 80 Placed on 3rd reading.

Mr. Speaker. Your Committee on Apportionment and Representation beg leave to report as follows: That they concur in the Apportionment and Representation as set forth in the Senate Bill formulated by the Senate

Committee on Apportionment and Representation which Representation is as follows:

Beaverhead .....	1
Broadwater .....	1
Carbon .....	2.
Cascade .....	6
Choteau .....	3
Custer .....	1
Rosebud .....	1
Dawson .....	1
Deer Lodge .....	3
Powell .....	1
Fergus .....	2
Flathead .....	2
Gallatin .....	2
Granite .....	1
Jefferson .....	1
Lewis & Clarke .....	5
Madison .....	2
Meagher .....	1
Missoula .....	3
Park .....	2
Ravalli .....	2
Silver Bow .....	12
Sweet Grass .....	1
Teton .....	1
Valley .....	1
Yellowstone .....	2
Total ..	60

Being on a basis of one Representative for each 4000 of population as ascertained by the last United States census.

THOMAS F. WARD Chairman of Committee.

On motion of Gilchrist the report was rereferred back to the Committee.

#### REPORT OF SELECT COMMITTEE.

##### STATE OF MONTANA County of Lewis and Clarke—ss

Harry C. Burgess, being first duly sworn says that he is forty years of age and a resident of Lewis and Clarke County, State of Montana, and resides about two miles east of the City of Helena and is engaged in the Dairy business, selling milk and cream in the said City of Helena.

And affiant says that on the 6th. day of February, A. D. 1901, at about 11 o'clock A. M. of said day one Oscar L. Scheewe, one of the proprietors of the Union Market at the corner of Sixth Avenue and Jackson Street in the said City of Helena, met affiant in front of the said Market at the corner of the said Sixth Avenue and Jackson Street and said to affiant in substance that you dairymen want to get together and get up a purse to give the Committee that is considering the Meat and Milk Bill (H. B. No. 6) they want money and the butchers are raising a purse, Frank Mares is going to give fifty (\$50.) dollars, we give ten (\$10.) dollars, all the other butchers (in town) are going to chip in, and the Butte Butchers also are going to contribute.

And further affiant sayeth not.

HARRY C. BURGESS.

Subscribed and sworn to before me this 7th. day of February, A. D. 1901.  
(Notarial Seal)

JAMES U. SANDERS

Notary Public in and for the County of Lewis and Clarke, State of Montana.

House of Representatives, Helena, Montana, Feb. 18, 1901.

Mr. Speaker: Your committee appointed to take testimony and make a report concerning charges of corruption and bribery based upon an affidavit made by Harry C. Burgess, and read in Committee of the Whole by Mr. Hedges during the discussion of H. B. No. 6, and which was afterwards delivered to the Speaker of the House and placed on file and referred to this committee, beg leave to report as follows:

Your committee met at 10 o'clock A. M. on February 14, 1901, in House Committee Room No. 19, and examined Mr. Hedges; Mr. Hedges disclaimed any knowledge of the alleged facts set forth in the affidavit of Harry C. Burgess; Mr. Hedges was asked to disclose the names of all persons with whom he had any conversation, and also the names of all persons who in his opinion he thought were likely to know anything that would assist the committee in making a complete and thorough investigation. In response Mr. Hedges named the following persons: Oscar L. Scheewee, Frank Mares, Joseph Mares, T. L. Matthews and Fred Bienhorn. Whereupon subpoenas were issued commanding said persons to appear before your committee in House Room No. 19, at 9 o'clock A. M. on the 15th day of February, 1901, for the purpose of giving testimony in the matter before the Committee. Said subpoenas were placed in the hands of the Sergeant-at-Arms of the House, with the direction to serve the same and leave a copy with each person upon whom service was had. At 9 o'clock A. M., on February 15, 1901, all the persons for whom subpoenas were issued appeared before the committee and were examined under oath. The only testimony material was given by Frank Mares, Harry C. Burgess and Oscar L. Scheewee, and the same is hereto attached, marked Exhibit "A" and made a part of this report.

Your Committee having fully examined the witnesses, and having looked into the matter finds as follows:

1. That the affidavit of Harry C. Burgess was based upon hearsay statements made by Oscar L. Scheewee and others interested in the defeat of the Bill.

2: That Scheewee, Mares and others had talked of the advisability of contributing to a fund to employ a lawyer to represent them before the Committee and before the Legislature, with a view of defeating the Bill.

3: That there was no evidence to show that any money was contributed for the purpose of corrupting the Committee or any member of the House, and that there was no intention on the part of anyone to corrupt or bribe the Committee or any member of the House.

4: That Mr. Hedges, having had a conversation with Mr. Burgess about the matters set forth in the affidavit, solicited Mr. Burgess to make said affidavit.

5: That Mr. Hedges secured said affidavit in good faith.

Respectfully submitted, METLEN, Chairman.

#### EXHIBIT "A."

OSCAR L. SCHEEWEE, being first duly sworn testified as follows:

My name is Oscar L. Scheewee; I am a butcher doing business in Helena. I know Harry C. Burgess; I had a conversation with him about the 6th or 7th of February, 1901. I met him coming up town, and I told him that there was a matter that looked very serious for the meat and milk men; that we milkmen ought to get together and see what could be done to defeat this bill. That is all I said to him in regard to the milk part. I told him that we had agreed between ourselves to make up a little purse to hire a lawyer if necessary, to see that the bill should be defeated because as a general rule the butchers are poor speakers and have to get somebody to look after their interests. We expected this lawyer to look after our interests in the Legislature; nothing was said about the Committee. In regard to that part of the affidavit which reads as follows: "They want money and the butchers are raising a purse, Frank Mares is going to give \$50.00, we give \$10.00, all the other butchers in town are going to chip in, and the Butte butchers also are going to contribute," I will say that we agreed to give that much if necessary; I did not give \$10 or any other amount; I don't know whether Frank Mares gave \$10. I don't know whether the butchers raised any fund. The butchers have no union here. The statement in the affidavit that "you dairymen want to get together and get up a purse to give the Committee that is considering the Meat and Milk Bill," is not right; all I said to Mr. Burgess was that the milkmen ought to get together and see what could be done to prevent the Bill from passing. I say positively that I did not say that the Committee wanted money. I did not talk to any of the members of



the Committee about this Bill. I never talked to Mr. Burgess on any other day about raising money. There was no arrangements or understandings that this money was to be used with the Committee; all that was done was that we agreed to raise money to hire a lawyer if necessary; I agreed to give a little sum of money, if necessary, and (Mr.) Frank Mares agreed; that is all. I did not give any money; I don't know whether Frank Mares gave any; there were no other milkmen connected with us. Mr. Mares did not give me any money, or anybody else to my knowledge.

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FRANK MARES, being first duly sworn testified as follows:

My name is Frank Mares; I am a butcher, engaged in business in Helena. I know Harry C. Burgess. I don't know anything about the statements set forth in the affidavit, except that I read them in the Record. I don't think I specified that I would give \$50; the money we were going to get was to be used to pay a lawyer to go before the House and explain the burden that this Bill would be on the butchers; I said to Mr. Scheewee that I thought it was advisable, as we couldn't get up and make a speech, that we get a lawyer to speak for us. I did not say anything about the Committee wanting money. I do not know whether the Committee wanted money; nobody asked for any money. I had a little talk with Mr. Hartwig about a week ago last Sunday about this Bill, explaining the burden it would be on the butchers; I don't know if it was before or after the Committee had made a report to the House; we never heard of any report being made, and I did not know whether they were in favor of it or against it. I don't know whether or not this Committee has made a report to the House. I did not give this \$50 to anybody; it was the intention to make a purse for this purpose, but we didn't need any lawyer because according to the statement in the paper the whole matter had stopped. There were only two or three of us that entered into this agreement; I don't remember who they were; there was no definite understanding arrived at. There was no amount decided upon for each man to pay; as a matter of fact, we did not make any arrangements at all.

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HARRY C. BURGESS being duly sworn testified as follows:

My name is Harry C. Burgess; I am a diaryman, and live about two miles east of the City; I made the affidavit you have just shown to me. The affidavit covers the entire conversation upon which the affidavit is based, with the exception of a remark I made that I thought the Bill would pass; that is all the other conversation that passed between us, except good-morning when we met. There was no talk between Mr. Scheewee and myself to the effect that the Committee desired money. I was before the Committee once when they were considering the Bill; I did not have any talk with Mr. Mares about giving the money, or with the Committee. Mr. Scheewee emphatically said that the Committee wanted money—the Committee that was considering the Meat and Milk Bill; I am not sure that he said the word "considering," but he said the Committee that has the Meat and Milk Bill. He said that Committee wanted money. He did not state to me for what purpose they wanted it. He said we dairymen should get together and raise a purse; I suppose that included me. I did not contribute any money; I do not know of anybody who did. I did not speak to any of the members of the Internal Improvements Committee except in their meeting; I was there. I do not know whether or not the Committee wanted money. I do not know whether any money was contributed for the purpose of influencing the Committee. All I know about this matter is what Mr. Scheewee told me. Of my own knowledge I do not know anything about any attempt to corrupt the Committee or secure money.

The circumstances under which the affidavit was made are these: I reported this conversation to Mr. Hedges, and he asked me if I was willing to make an affidavit, and I told him I was; it was practically at Mr. Hedges' solicitation that this affidavit was made; I acted at his suggestion; he suggested it to me. I do not know what this affidavit was to be used for; he did not tell me. He asked for this affidavit in the lobby of the House on the day following the conversation. I do not know where the Bill was on

the first of February; I was not at the last meeting of the Committee, and did not know of their action. I was solicited by Mr. Hedges for this affidavit after our conversation. As Mr. Hedges introduced the Bill, I suppose he was representing the promoters of it. I have not any interest to any extent in this Bill, except as a citizen of Montana, in the behalf of wholesome food; I have not an unusual interest in the Bill. At the time of my conversation with Mr. Hedges I did not know of the report of the Committee on that day.

### THIRD READING OF H. B.

H. B. No 80 Read third time and passed Transmitted to the Senate for concurrence

### THIRD READING OF S. B.

S. B. No 5 read a third time and concurred in and Transmitted back to the Senate.

### INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 147, by Sub. Committee Fish and Game. An act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana and to provide for the appointment of a State Fish and Game Warden, Deputy Game and Fish Wardens and Special Deputy Game and Fish Wardens and defining their powers and duties and providing for their compensation.

H. B. No. 148, by Berkin. A Bill for an act to prohibit the grazing of Sheep within certain specified distances of any homestead or incorporated town or city.

H. B. No. 149, by Axtell. A Bill for an act entitled "An act providing for the submitting to the Electors of the State of Montana, for their approval or rejection, amendments to Article 18 of the Constitution of the State of Montana, relating to labor, by adding thereto seven new Sections as follows:

1. For the protection to the rights of labor.
2. For the establishment of a board of labor, conciliation and arbitration.
3. Prohibiting the employment of women and children under a certain age in underground mines, and of the contracting of convict labor, and the political and commercial control of employees.
4. Prohibiting the exchange of black lists by corporations or persons.
5. Relative to the abrogation of the right to recover damages for death by reason of wrongful act.
6. Making eight hours a day's labor on public works, and in smelters and underground mines.
7. Providing for Legislation to enforce this Article."

H. B. No. 150, by Crawford. An act appropriating money for the payment of claim of C. C. Willis—account Sheep Inspection.

### READING OF HOUSE BILLS.

The following bills were read first and second time:

H. B. No. 147, read first and second time. Referred to Committee on Printing.

H. B. No. 148, read first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 149, read first and second time. Referred to Committee on Labor.

H. B. No. 150, read first and second time. Referred to Committee on Appropriations.

### MESSAGES FROM THE GOVERNOR.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have to-day approved House Bill No. 46, entitled "An act amending section 3134, Chapter 6, Part 3, Title 7, of the Political Code of the State of Montana, relating to standard weights and measures."

Respectfully,

J. K. TOOLE, Governor.

The House went into the Committee of the whole for consideration of H. Bs' No's. 79. 89. and Senate Joint Memorial No 1.

With Lannin in the Chair.

House Resumes

Mr. Speaker in the Chair.

Lannin Chairman of the Committee of the whole made the following report.

Mr. Speaker. Your committee having under consideration H. Bs' No's 79. 89 and Senate Joint Memorial No 1 beg leave to report as follows:

That H. B. No. 79 be not concurred in.

H. B. No 89 be concurred in

Senate Joint Memorial No 1 be concurred in

I. LANNIN

On motion of Richardson the report of the committee of the whole was adopted separately.

Moved by Richardson that the report of the committee on H. B. No 79 be rejected.

Motion Lost by the following vote.

Ayes—Connor of Cascade, Cram, Crawford, Donaldson, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Hedges, Jensen, Kilgallon, Lannin, (MacGinniss), McDonnell of Jefferson, Meunier, Pendergrass, Quinn, Richardson, Shanley, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Woods—25.

Noes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Brein, Brownlee, Cannon, Connor of Ravalli, Dee, Dixon, Donlan, Faust, Geary, Gregory, Hartwig, Hill, Jones, Lehman, Lowney, Madden, Martin, McCone, McIntyre, McFague, Metlen, Murray, Newberry, Newton, Patterson, Pelletier, Roland, Sanden, Stull, White, Mr. Speaker—37.

Absent—Bourne, McDonnell, Myers, Rosman, Sullivan of Silver Bow, Urquhart, Ward—7.

The honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb. 19, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone,



McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Berkin, Brien, Cannon, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—14.

For MacGinniss—Adkins, Axtell, Baker, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Thoroughman, Ward—24.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Conrad—McDonnell—1.

Clancy—Ferry—1.

Absent and paired—Bourne, Sullivan of Silver Bow, Urquhart—3.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
“ John MacGinniss .....	26
“ H. L. Frank .....	21
“ Walter Cooper .....	7
“ Robert Coburn .....	2
“ W. G. Conrad .....	2
“ J. K. Toole .....	1
William Clancy .....	1
Totals .....	91

The President announced no one having received a majority of all votes cast there is no election.

Moved by Kelly that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House.

Motion carried.

Moved by Lannin that the report of the committee on House Bill No 89 be adopted.

Motion carried.

Moved by Lannin that the report of the committee on Senate Joint memorial No 1 be adopted.

Motion carried.

On motion of Lannin the House adjourned until 2.30 o'clock.  
2.30 o'clock.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Dixon asked unanimous consent to return to order of business No 10.

There being no objection consent was granted.

Moved by Dixon that the House reconsider the vote taken on H. B. No 79.

Motion carried.

On motion of Dixon Mr Donovan was accorded the floor for 10 minutes to explain H. B. No 79.

Moved by Toole that the report of the committee of the whole as to H. B. No 79 be rejected.

Motion carried.

H. B. No 79. Referred to Steering Com.

Connor of Ravalli asks to revert to order of business No 4. Request granted.

#### REPORT OF SELECT COMMITTEE.

WHEREAS: The hand of death has fallen upon the venerable mother of Hon. Lee Mantle, a distinguished citizen of Montana.

THEREFORE, Be It Resolved, that we, the Members of the House of Representatives of the Seventh Legislative Assembly, hereby express to Mr Mantle our sincere sorrow and deepest sympathy in his affliction. Reverently we hope that in this hour of his great sadness his heart's burden may be lightened by the memory of the sweetness and grandeur of the life of the one he mourns. It is comforting to reflect that the world is better because Mary A. Mantle lived. Her generous heart, her loving devotion to

duty and home, her pure and noble example throughout her long life, have become an inspiration to womankind.

RESOLVED: That these resolutions be spread upon the journal of the House and that a copy thereof be sent to Hon. Lee Mantle.

A. CONNOR  
W. A. HEDGES  
MARTIN DEE Jr.  
JOHN BAKER  
JOHN MAGINNISS

Committee.

On motion of Connor of Ravalli the report was adopted as read.

The House resolved itself into the com. of the whole for consideration of Senate Joint Memorial No 2, S B. No 4 and S. B. No 17.

With Lannin in the Chair.

House Resumes

Speaker Pro Tem in the Chair.

Lannin chairman of the committee of the whole made the following report.

Mr. Speaker. Your committee who had under consideration Senate Joint Memorial No 2 S. B. No 4 and S B No 17 beg leave to report.

Senate Joint Memorial No 2 do pass.

Senate Bill No 4 do pass

Substitute for Senate Bill No 17 be deferred until such time as the House can get printed copies of same. LANNIN.

On motion of Lannin the report was adopted as read.

Senate Joint Memorial No 2 and S. B. No 4, Placed on 3rd reading.

Moved by Hill that the House go into the committee of the whole for consideration of S. B. No 55 14 and 41.

Substitute by Swindlehurst that the House go into committee of the whole for consideration of General orders.

Substitute motion carried.

The House resolved itself into the committee of the whole for consideration of Substitute for S. B. No 17, S. B. No 55. and 14.

With Swindlehurst in the Chair.

House Resumes

Speaker Pro Tem in the chair.

Swindlehurst chairman of the committee of the whole made the following report.

Mr. Speaker: The committee of the whole having considered bills on General Orders beg leave to report as follows:—

1st That we have considered Substitute for Senate Bill No 17 and recommend that it be concurred in.

2nd. That we have considered Senate bill No 55 and recommend that it be concurred in.

3rd. That we have considered Senate Bill No 14 and recommend that it be amended and as amended be concurred in

4th. That we have considered Senate Bill No 41 and recommend that it be concurred in.

5th. That we have considered Senate Bill No 42 and recommend that it be concurred in.

6th. That we have considered Senate Bill No. 33 and recommend that it be recommitted to the Judiciary Committee.

7th. That we have considered Senate Bill No 43 and recommend that it be made a special order for Wednesday at 3 P. M.

8th That we have considered Senate Bill No 50 and recommend that it be concurred in. SWINDLEHURST.

Moved by Roland that the House adopt the report as read.

Motion carried.

S. B. No 43 made a special order of business for Wednesday at 3 P. M. Feb 20, 1901.

Substitute for S. B. No. 17 S. B. No. 55. 41. 42. 50. Placed on 3rd reading. Senate Bill No 14 as amended ordered engrossed.

Senate Bill No 33. Referred to Judiciary Committee

On motion of Patterson the House adjourned until 10.30 tomorrow Feb. 20, 1901.

R. E. SKELLY Cf Clk

FANK E. CORBETT, Speaker

## FORTY-FIFTH DAY

House of Representatives,

Helena, Mont Feb. 20 1901.

House met pursuant to adjournment at 10.30 A. M.

Speaker Pro Tem. in the chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

## NOTICES.

Notices of the introduction of bills were as follows:

By Metlen: A Bill to bond the lands of the State Normal School for twenty thousand dollars to complete the dormitory of the Normal School Building and furnish the same, and to equip a heating plant for said school.

By Sullivan of Lewis and Clarke: A Bill for an act for the better protection of patrons of smelters.

By Dixon: An act amending Section 4605 of the Political Code regarding amount paid sheriff for board of prisoners.

Also—An act fixing the rate of mileage for jurors, sheriffs, witnesses and all other persons to whom mileage is paid at five cents per mile.

By Hedges: A Bill granting extra compensation for services rendered by a certain attachee of the House.

## REPORT OF STANDING COMMITTEES.

February 19, 1901.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 73, respectfully report said Bill back to the House for indefinite postponement.

R. P. THOROUGHMAN, Chairman.

Report adopted and H. B. No 73 was indefinitely postponed.

February 19, 1901.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred H. B. No. 148, respectfully report said Bill back to the House with a recommendation that it be indefinitely postponed.

R P THOROUGHMAN Chairman.

Report adopted and H. B. No 148 was indefinitely postponed.

MR SPEAKER:—Your Committee on Labor having had under consideration H. B. No. 140, would recommend that the same do pass,

HENRY LEWNEY, Chairman.

Report adopted and H. B. No 140 ordered printed.

Mr. Speaker: Your committee on Internal Improvements having had under consideration S. B. No. 39 recommend that the House do concur.

T. F. RICHARDSON, Chairman.

Report adopted and S. B. No 39 Referred to Steering Committee

MR SPEAKER:—Your Committee on Labor having under consideration H. B. No. 81, Introduced by Ferry, would recommend that the substitute for "H B No. 81," Introduced by the Labor Committee do pass.

HENRY LEWNEY, Chairman.

Moved by Kilgallon that Substitute and original Bills be referred to committee on Mines and mining.

Motion carried.

Mr Speaker

Your Committee on Labor having under consideration, "H. B" No. 2 would beg leave that it be indefinitely postponed.

HENRY LEWNEY, Chairman.

Report adopted and H. B. No 2, was indefinitely postponed.

MR SPEAKER:—Your Committee on Labor having under consideration House Bill, No. 149, would recommend that the same do pass.

HENRY LEWNEY, Chairman.

Report adopted and H. B. No 149 ordered printed.



Mr. Speaker:—Your committee on Insurance to whom was referred H B No 97 beg leave to report that they have considered the same and recommend that it do not pass.

SWINDLEHURST, Chairman.

Report adopted and H. B. No. 97. indefinitely postponed.

Mr. Speaker:—Your committee on Insurance to whom was referred House Bills No 95 beg leave to report that they have considered the same and recommend that it do not pass.

SWINDLEHURST Chairman.

Report adopted and H. B. No 95 indefinitely postponed.

Mr. Speaker:—Your Committee on Printing to whom was referred H Bills numbered 63, 70, 78 and 99, respectfully report the same back as correctly printed.

Respectfully submitted, GEO. F. WHITE, Chairman.

Report adopted and H. Bs No's 63, 70, 78 and 99 Referred to Steering Committee

Mr. Speaker:—Your committee on railroads and transportation beg leave to report House Bill No. 44, by Dee, back to the house with the recommendation that it do not pass.

We also report House Bill No. 84, by Donaldson, back to the House with the recommendation that it do not pass.

BERKIN, Chairman.

Report adopted and H. B's No's 44 and 84 Indefinitely postponed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 33, entitled: "An act to amend Section 451 of the Civil Code relating to annual reports of corporations," beg to report to the House as follows: We recommend that said section be amended by the insertion of the following clause, which clause is a part of the law as it is at present enacted, to wit: After the word "corporation," in the eighth line of said Section insert "and shall be published in some newspaper of the town city or village, or if there be no newspaper published there, then in some newspaper published in some city, town or village nearest to the principal office or place of business of such corporation," we recommend that said Bill as amended do pass.

M. P. GILCHRIST, Chairman.

Report adopted and S. B. No 33 as amended ordered engrossed.

Mr. Speaker: The Judiciary Committee, to whom was referred S. B. No. 46, entitled: "A bill for an act to provide the conditions upon which foreign corporations may do business in this State, and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," beg to report to the House that we concur in the action of the Senate, and recommend said bill for passage.

M P GILCHRIST Chairman.

Report adopted and S. B. No 46 Referred to Steering Committee.

Mr. Speaker: The Judiciary Committee reports that it has considered H. B. No. 142, entitled: "A bill for an act entitled an act to repeal sections 3698 and 3699 of the Political Code relating to the appointment of commissioners for the appraisement of real-estate," and it recommends to the House that said Bill be indefinitely postponed.

M P GILCHRIST Chairman

Report adopted and H B. No 142 was indefinitely postponed.

Mr. Speaker:—The Judiciary Committee, to whom was referred H. B. No. 22, entitled: "An Act to Prohibit any Corporation engaged in mining or manufacturing from being interested in any store, shop, or scheme for the furnishing of supplies, tools clothing, provisions or groceries to its employes, and prescribing a penalty for the violation thereof," hereby report said bill back to the House without recommendation.

M. P. GILCHRIST, Chairman.

On motion of Lannin H. B. No 22 ordered printed.

Mr. Speaker: Your Committee on Judiciary reports that it has had under consideration S. B. No. 64, entitled: "A bill for an act to amend Section 38, of Chapter IV, of Title I, of the Code of Civil Procedure of the State of Montana, relating to district courts," and it reports to the House that it concurs in the action of the Senate, and recommends that said bill do pass.

M. P. GILCHRIST, Chairman.

Report adopted and S. B. 64, Referred to steering committee.

Mr. Speaker:—Your Committee on Engrossment report having correctly engrossed House Bill No 72 as amended and amendments to Senate Bill No. 14 and herewith return the same to the House.

B. F. MYERS, Chairman.

Report adopted and H. B. No 72 as amended ordered printed and S. B. No 14 placed on third reading

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 135, entitled: "A bill for an act to confer certain powers upon any society organized for the purpose of providing homes for homeless children, and upon county commissioners and justices of the peace in regard to the care of indigent children," beg to report as follows: (that) we have amended the same and recommend that said Bill as amended do pass.

M. P. GILCHRIST, Chairman

Report adopted and H. B. No 135 as amended ordered printed.

### 3RD READING OF HOUSE BILLS.

H B. No 100 as amended by the Senate read a third time.

Moved by Hill that the amendment be concurred in.

Substitute (motion) by Jensen that a conference committee be appointed.

Substitute motion Carried.

Moved by Hedges that the amendments only of H B. No 38 be read.

Motion carried.

H. B. No 38 read a third time.

Moved by Hedges that the amendments be concurred in

Motion carried.

H. B. No 89 Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenberg, Brien, Brownlee, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, White, Woods—58.

Noes. None.

Absent—Bourne, Cannon, Meunier, Pendergrass, Richardson, Roland, Rosman, Sullivan of Silver Bow, Thoroughman, Urquhart, Ward, Mr. Speaker.

### READING OF SENATE BILLS.

S. B. No 60 read first and second time Referred to committee on Education.

On motion of Myers the House took a recess until 12 o'clock M.

12 oclock M.

House Resumes

Speaker Pro em in the chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

### JOINT SESSION.

#### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb. 20, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Baker, Berkin, Brien, Cannon, Geary, Gilchrist, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood—14.

For MacGinniss—Adkins, Axtell, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lewney, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman, Ward—23.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Conrad—McDonnell—1.

For Clancy—Ferry—1.

For Kennedy—McDonald—1.

Absent and paired—Bourne, Urquhart and Corbett

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
“ John MacGinniss .....	25
“ H. L. Frank .....	21
“ Walter Cooper .....	7
“ Robert Coburn .....	2
“ W. G. Conrad .....	2
“ J. K. Toole ...	1
“ J. M. Kennedy .....	1
“ William Clancy ..	1
	—
Total .....	91

The President announced no one having received a majority of all votes cast there is no election.

Moved by Geiger that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

Speaker Pro, Tem in the chair.

#### READING OF SENATE BILLS.

S. B. No 59, read first time.

Oo motion of Hill the House took a recess untill 2.30 o'clock, P. M.

(2.30 o'clock P. M.)

House Resumed.

Speaker Pro Tem in the chair.

There being no objections the House returned to order of business No 1.

Mr. Speaker and Members of the 7th Legislative Assembly

Whereas That it is a known fact that the vast majority of us are away from our homes and surrounding comforts, and Whereas many of us have friends who visit the legislature, and we are desirous to entertain them as such, and, whereas, The management of the so called Opera House Has in the case of the last two plays allowed scalpers to engage the entire box office and barter and sell the tickets to us at a usurious price. Therefore Be, It, Resolved, That we condemn such actions.

A. B. ROSMAN.

On motion of Kilgallon the resolution was adopted by a rising vote.



## READING OF SENATE BILLS.

S. B. No 79 read first and second time Referred to committee on Agriculture and Stock.

S. B. No 82 read first and second time Referred to Judiciary Committee.

S. B. No 80 read first and second time Referred to Judiciary Committee.

S. B. No 84 read first and second time Referred to Committee on Townships and Counties.

S. B. No 86 read first and second time Referred to Committee on Townships and Counties.

S. B. No 87 read first and second time. Referred to Judiciary Committee  
Substitute for S. B. No 36 read first and second time Referred to committee on Education.

Substitute for S. B. No 35 read first and second time Referred to committee on education.

Substitute for S. B. No 7, read first and second time Referred to committee on Mines and Mining.

S. B. No 72 read first and second time Referred to committee on Judiciary.

S. B. No 73 read first and second time. Referred to committee on Ways and Means.

S. B. No 77, read first and second time Referred to Judiciary Committee

S. B. No 74 read first and second time Referred to committee on Judiciary

S. B. No 59, read first and second time Referred to committee on Agriculture and Stock.

## 3RD READING OF SENATE BILLS.

Substitute for S. B. No 17, read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood—59.

Noes. Hill Pendergrass—2.

Absent Bourne, Dee, McDonnell (of Jefferson) McTague, Richardson. Thoroughman, Urquhart, Ward, Mr. Speaker—9.

Senate Jt Memorial No 1 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods—64

Noes, None.

Absent Bourne, McTague, Thoroughman, Urquhart, Ward, Mr. Speaker—6

S. B. No 4 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods.—62.

Noes Richardson 1.

Absent, Bourne, McDonnell, (of Jefferson), McTague, Thoroughman, Urquhart, Ward, Mr. Speaker—7

S. Joint Memorial No 2, read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods,—61.

Noes, None.

Absent. Bourne, Cannon, McDonnell (of Jefferson), McTague, Rossman, Thoroughman, Urquhart, Ward, Mr. Speaker—9.

S. B. No 42 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods—63.

Noes, None.

Absent Bourne, McDonnell (of Jefferson), Patterson, Thoroughman, Urquhart, Ward, Mr. Speaker—7

S. B. No 55 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods—62.

Noes, Shanley, 1.

Absent Baggs, Bourne, McDonnell (of Jefferson), Thoroughman, Urquhart, Ward, Mr. Speaker—7

S. B. No 41, read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods—63.

Noes, None.

Absent Bourne, McDonnell (of Jefferson), Patterson, Thoroughman, Urquhart, Ward, Mr. Speaker—7.

S. B. No 50 read a third time and passed by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravali, Cram, Crawford, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Roland, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, White, Woods—51.

Noes—Adkins, Axtell, Dee, Lannin, Pelletier, Pendergrass, Quinn, Richardson, Rossman, Sanden, Shanley, Sullivan of Silver Bow—12.

Absent Bourne, McDonnell, Patterson, Thoroughman, Urquhart, Ward, Mr. Speaker—7.

There being no objection the House returned to order of business No 1.

Mr. Speaker—I move that the Chief Clerk of the house be instructed to have typewritten copies made of the order to consideration of bills as made by the steering committee and that a copy be placed upon the desk of the members each day.

FAUST.

Substitute motion by Connor of Ravalli that the Chief Clerk be directed to place lists of general orders on the members desk at his earliest convenience.

Substitute motion carried.

S. B. No 43, Special order of business

On motion of Hedges the House went into the committee of the whole for consideration of S. B. No. 43.

With Swindlehurst in the chair.

House Resumes

Speaker Pro Tem in the chair.

Swindlehurst chairman of the committee of the whole made the following report.

Mr. Speaker:—The committee of the whole having considered Senate Bill No 43 beg leave to recommend that the same be amended and as amended that it be concurred in.

The amendments hereby recommended are herewith attached.

SWINDLEHURST.

On motion of Hedges the report was adopted.

S. B. No. 43, as amended ordered engrossed.

Speaker Pro, Tem, appoints the following conference committee

Jensen of Cascade, Newton of Gallatin, Sanden of Lewis and Clarke, Baggs of Ravali, Meyers of Park.

Moved by Hedges that the Chief Clerk inform the Senate that the House have appointed a conference committee to act with a like committee from the Senate to act on H. B. No 100.

Motion Carried.

On motion of Faust the House adjourned untill 10.30 tomorrow Feb 21, 1901.

FRANK E. CORBETT, Speaker.

R. E. SKELLY Cf Clk

## FORTY-SIXTH DAY

House of Representatives.

Helena Mont Feb 21, 1901

House met pursuant to adjournment at 10.30, A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

The Speaker announced that he is about to sign S. B. No 5 and does so in the presence of the House.

### NOTICES.

Notices of introduction of Bills were as follows:

By Gilchrist: A Bill for an act to amend Section 603 of the Political Code of the State of Montana, and relating to appeals from the decisions of the Board of Medical Examiners.

Also: A Bill for an act to amend Section 1157 of the Code of Civil Procedure of the State of Montana relating to exceptions.

Also: A Bill for an act establishing a State School of Mines at Butte, Montana and providing for its organization and control.



By Bielenberg: Substitute for H. B. No. 73 entitled A Bill for an act to amend Sections 950, 951, 953, 954, 955, 956 and 958 of the Civil Code of the State of Montana in reference to injuries to, and the killing of live stock by railroads.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:—Your committee on Affairs of Cities, to whom was referred House Bill No. 109, being A bill for an Act, entitled an Act to regulate the practice of barbering, the licensing of persons to carry on such practice and to insure the better education of such Practitioners in the State of Montana, beg (leave) to report the same back to the House with the recommendation that it do pass.

LANNIN. Chairman.

Report adopted and H. B. (No) 109 ordered printed.

Mr. Speaker:—Your Committee on Engrossment report correctly engrossed amendments to Senate Bills No's 33 and 43 and herewith return the same to the House.

B. F. MYERS Chairman.

Report adopted and Senate Bills No's 33 and 43 Referred to steering committee.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 59, report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B. No 59 referred to steering committee.

#### READING OF SENATE BILLS.

Substitute for S. B. No 61 read first and second time Referred to Committee on Railway and Transportation.

Senate Bill No 76 read first and second time Referred to Committee on Irrigation and Water Rights.

Senate Bill No 83 read first and second time Referred to Committee on Townships & Counties.

Senate Bill No 85 read first and second time Referred to Committee on Labor.

Senate Bill No 89 read first and second time Referred to Committee on Ways and Means.

Senate Bill No 92 read first and second time and Referred to Committee on Agriculture and Stock.

S. B. No 93 read first and second time Referred to Committee on Ways & Means.

S. B. No 95 read first and second time Referred to Committee on State Lands.

#### INTRODUCTION OF BILLS.

The following Bills were introduced:

H. B. No. 151, by Dixon: An act entitled an act to amend Section 4590 of the Political Code of the State of Montana, relating to mileage.

Also H. B. No. 152; An act entitled an act to amend Section 4605 of the Political Code of the State of Montana, relating to board of prisoners.

H. B. No. 153, by Roland: A Bill for an act to amend Section 220 of the Political Code of the State of Montana, relating to compensation of members, officers and employees of the Legislative Assembly.

H. B. No. 154, by Stull: A Bill for an act entitled "An act to prevent wrongs to children.

H. B. No. 155, by Stull: A Bill for an act entitled "An act to authorize the State Board of Health to determine the qualifications and issue licenses to persons engaged in preparing for burial or transportation, human bodies dead of infectious or contagious diseases".

H. B. No. 156, by Metlen: A Bill for an act entitled an act for the erection, furnishing and equipment of a dormitory building and for the installation of a heating plant for the State Normal School of Montana and providing for the issuance of bonds to raise money therefor.

H. B. No. 157, by Hedges: A Bill for an act entitled an act appropriating one hundred and eighty dollars to pay P. J. Gilligan for extra services as reading clerk of the House of the Seventh Legislative Assembly.

H. B. No. 158, by Hill: A Bill for an act entitled an act to amend Section 3075, Part III, Title VII, Chapter V, Article VIII of the Political Code, in relation to the State Bounty Fund.

#### READING OF HOUSE BILLS.

H. B. No. 151, read first and second time. Referred to Committee on Printing.

H. B. No. 152, read first and second time. Referred to Committee on Printing.

H. B. No. 153, read first and Second time. Referred to Committee on Ways and Means.

H. B. No. 154, read first and second time. Referred to Committee on Education.

H. B. No. 155, read first and second time. Referred to Committee on Judiciary.

H. B. No. 156, read first and second time. Referred to Committee on State Institutions.

H. B. No. 157, read first and second time. Referred to Committee on Appropriations.

H. B. No. 158, read first and second time. Referred to Committee on Appropriations

Mr. Speaker:—Your Committee on Enrollment respectfully report Joint Memorial No. 2. as correctly enrolled.

MacGINNISS Chairman.

Report adopted and placed on file.

#### MESSAGE FROM THE GOVERNOR.

Executive Office, Helena, Montana. February 20th., 1901.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have today approved the following Bills:

House Bill No. 12, entitled "An act to authorize the trustees of school districts to repay moneys borrowed and used by such trustees for maintenance of schools therein, and to levy and collect a tax upon all the taxable property in such districts, or to issue and sell the bonds of such districts therefor, as such trustees shall deem advisable".

House Bill No. 25, entitled "An act providing for the employment of a check weighman at coal mines; prescribing his duties and providing penalties for the violation (thereof)".

House Bill No. 29, entitled "An act providing that Justices of the Peace and Constables shall give bonds before entering upon the duties of their offices."

Very respectfully,

J. K. TOOLE, Governor.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 19, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Substitute for Senate Bill (No. 7, 35 and 36 and Senate Bills) 59, 60, 72, 73, 74, 77, 79, 80, 82, 84, 86 and 87 have passed the Senate and are herewith transmitted for your concurrence.

House Joint Memorial No. 2 concurred in and House Bills Nos. 38 and 100 as amended have been read a third time and concurred in and are herewith transmitted to the House.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, February 20, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills Nos. 76, 83, 85, 89, 92, 93 and 95, and Substitute for Senate Bill No. 61 have been read a third time and passed and are herewith transmitted for your concurrence.

That: House Bill No. 55 has been read a third time and concurred in and is herewith transmitted.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, February 20, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of the introduction of Bills were given as follows:

By Mahon: A bill for an act to require Railway Corporations to use due diligence in running passenger or accommodation trains upon schedule time within the State of Montana and providing penalties for failure to comply with this act.

By Kennedy: A bill for an act entitled an act to amend Section 2776 of the Code of Civil Procedure relating to compensation of executors and administrators

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, February 20, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bills were introduced as follows:

Senate Bill No. 99. By Hoffman: A Bill for an act to amend section 3283 of the Political Code of the State of Montana relating to the payment of a bounty upon sugar manufactured within the State of Montana, out of beets grown within the State.

Senate Bill No. 100. By McLean. A bill for an act to amend section 1151, Article 1, Chapter 1, Title 2, of the Political Code, relating to special elections.

Senate Bill No. 101. By Meyer of Carbon: A bill for an act to amend Chapter 1, of Title 13, of Part 2 of the Code of Civil Procedure of Montana relating to appeals to the Supreme Court, by adding thereto section 1745.

Respy

C. A. WHIPPLE Secy

Mr Speaker instructed the Chief Clerk to enter in ((full) House Bill No 55 upon the Journal of the House as follows:

#### HOUSE BILL NO. 55.

#### INTRODUCED BY ROLAND.

#### A BILL

FOR AN ACT PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA OF AN AMENDMENT TO SECTION 4 OF ARTICLE XVI OF THE CONSTITUTION RELATING TO COUNTY COMMISSIONERS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section I. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held in said State, the following amendment to Section 4, of Article XVI of the Constitution, relating to County Commissioners.

That Section (4) of Article XVI of the Constitution of the State of Montana, be amended so as to read as follows:—

“Section 4. In each county there shall be elected three County Commissioners, whose term of office shall be six years; provided that the term of office of those elected on November 6th, 1900, shall expire on the first Monday in January, 1907; provided further, that at the general election to be held in November 1902, (in counties where commissioners are to be elected that year,) three commissioners shall be elected whose terms shall expire on the first Monday in January, 1907; provided further, that at the next general election to be held in November, 1906, (one commissioner shall be elected for a term of two years,) one commissioner shall be elected for a term of four years, and one commissioner shall be elected for a term of six years, whose term of office shall commence on the said first Monday of January, 1907; and provided further, that at each general election thereafter commencing with the general election to be held in November, 1908, one commissioner shall be elected for a term of six years. A vacancy in the Board of County Commissioners shall be filled by appointment by the Judge of the Judicial District in which the vacancy occurs”.



Section 2.—The vote upon this amendment shall be counted and canvassed by such officials and in such manner as is provided by law for the counting and canvassing of the votes for Member of Congress, and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Section 3.—The official ballots to be used at the general election to be held in this State shall have printed thereon the following words in such manner as to allow every elector an opportunity to indicate thereon by proper marks, his preference to-wit: "For the amendment to the Constitution relating to County Commissioners," and "Against the amendment to the Constitution relating to County Commissioners."

On motion of Hedges the House took a recess until 12 o'clock M.

12 o'clock M.

House resumed

Mr. Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 21 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Baker, Berkin, Brein, Cannon, Geary, Gilchrist, Hartwig, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White, Wood, Corbett—16.

For MacGinniss—Adkins, Axtell, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Fine, Fitzpatrick, Jensen, Lannin, Lewney, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman, Ward—22.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Conrad—McDonnell—1.

For Clancy—Ferry—1.

For Kennedy—McDonald—1.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	32
" John MacGinniss .....	24
" H. L. Frank .....	23
" Walter Cooper .....	7
" W. G. Conrad .....	2
" Robert Coburn .....	2
" J. K. Toole .....	1
" William Clancy .....	1
" J. M. Kennedy .....	1

(93)

The President announced no one having received a majority of all votes cast there is no election.

Moved by Cullen that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of Dee the House took a recess until 2.30 o'clock.

2.30 o'clock P. M.

House Resumes

Mr. Speaker in the Chair

Roll Call

Quorum Present.

Jensen asked unanimous consent to return to order of business No. 1.

Consent was granted.

To the Honorable Members of the Legislative Assembly of the State of Montana.

At a meeting of the Business Men's Association of the City of Great Falls, Mont., held on Saturday evening Feb. 16th, the following resolution was unanimously passed:

It having come within the notice of this association that a bill has been presented in your honorable body, entitled, "An Act authorizing the publication and distribution of One-Hundred Thousand Extra Copies of the Report of the Bureau of Agriculture, Labor and Industry of the Year 1900 and appropriating money for the payment of the expenses of the same."

And many members of this association having examined advance sheets of the forthcoming report, and having become convinced that the distribution proposed would result in great benefit to all portions of the state, it is therefore,

Resolved, that we, believing that the members of the legislative assembly now in session in Helena, will be acting wisely and in the interest of the whole state, earnestly urge that they enact that the necessary funds be immediately available for the active distribution of the 100,000 copies of the report of the Bureau of Agriculture, Labor and Industry for the year 1900 soon to come from the press.

GREAT FALLS BUSINESS MEN'S ASSOCIATION

D. W. BATEMAN vice Prest.

H. H. MATTESON Secretary.

Resolution placed on file.

#### NOTICES.

By Gregory. A bill providing for the Licensing of theatrical ticket brokers.

#### REPORT OF STANDING COMMITTEE.

Mr. Speaker:—your committee on Labor having had under consideration Senate Bill No. 85, beg leave to report the same back with the recommendation that it do pass.

HENRY LEWENY Chairman.

Report adopted and S. B. No 85 referred to steering Committee.

The House went into the Committee of the whole for consideration of S. B. No 51 House Joint Memorial No 1 and House Joint Memorial No. 3.

With Lannin in the Chair.

House Resumes

Mr Speaker in the Chair.

Lannin Chairman of Committee of the whole made the following report.

Mr Speaker—Your Committee having had under consideration S. B. No 51 House Joint Memorials Nos 1 and 3 beg leave to report as follows

That S. B. No 51, be concurred in.

House Joint Memorial No 1 do pass.

House Joint Memorial No 3 do pass

LANNIN.

On motion of Lannin the report was adopted.

S. B. No 51. and House Joint Mem. No 1 and No 3 Placed on third reading.

The House resolved itself into the Committee of the whole for consideration of H. B. No's 51-49 and 16.

With Swindlehurst in the Chair.

House Resumes

Mr Speaker in the Chair.

Swindlehurst Chairman of the Committee of the whole made the following report.

Mr. Speaker:—The committee of the whole having considered House Bills Nos 51 49 and 16 beg leave to report as follows:

1st That we have considered House Bill No 51 and recommend that it be amended and as amended do pass

2nd That we have considered House Bill No 49 and recommend that it do pass.

3rd That we have considered House Bill No 16 and recommend that it do pass.

SWINDLEHURST

On motion of Dee the report was adopted as read.

H. B. No 51 as amended ordered engrossed

H. B's No's 16 and 49 Placed on third reading.

The House resolved itself into the Committee of the whole for consideration of general orders.

With Lannin in the Chair.

House Resumes

Mr Speaker in the Chair

Lannin Chairman of the Committee of the whole made the following report.

Mr. Speaker. Your Committee of the Whole have had under consideration H. B. 60 and recommend that it do pass.

Also H. B. No. 14 and recommend that it do pass as amended.

Also H. B. No. 26 and recommend that it be referred to the Labor Committee with House Bill No. 65 with instructions to report inside of two days.

LANNIN.

On motion of Lannin the report was adopted as read.

H. B. No 60. Placed on third reading.

H. B. No 14 as amended ordered engrossed.

H. B. No 26 and 65 Referred to Labor Committee.

There being no objection the House returned to order of business No 2.

NOTICES.

Notices of the introduction of Bills were as follows:

By Connor of Cascade: "An act authorizing the publication and distribution of One-Hundred-Thousand copies of the Report of the Bureau of Agriculture, Labor and Industry for the year 1900, and appropriating money for the payment of the expenses of the same"

By Gregory: A Bill to amend Section 295, Title I, Part II of the Penal Code of the State of Montana and to fix the salary of the warden of the Penitentiary.

On motion of Kilgallon the House adjourned until 11.45 A. M. Feb 22 1901.

ROGER E. SKELLY Cf. Clk

FRANK E. CORBETT Speaker



## FORTY-SEVENTH DAY

House of Representatives.

Helena Mont Feb 22, 1901.

House met pursuant to adjournment at 11.45 A. M.

Mr. Speaker in the Chair.

Roll Call

Quorum Present

Prayer by the Chaplain

The Journal of the previous day was read and approved.

On motion of Faust the House took a recess until 12. o'clock M.

12 o'clock M.

House Resumes

Mr Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 22 1901

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President (of the Senate) at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would not proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mnattle—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Tierney—2.

For MacGinniss—Kennedy, Warner—2.

For Coburn—Connolly, Mahon—2.

For Conrad—Stanton—1.

Washington—Gruwell—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner or Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Baker, Berkin, Brein, Cannon, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Kilgallan, Madden, McTague, Rosman, Toole, White, Wood, Corbett—17.

For MacGinniss—Adkins, Axtell, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Fine, Jensen, Lannin, Lewney, McDonald, Meunier, Pelle-tier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman, Ward—22.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Conrad—McDonnell—1.

For Clancy—Ferry—1.

Absent—Urquhart and Jones—2.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	31
“ John MacGinniss .....	24
“ H. L. Frank .....	24
“ Walter Cooper .....	6
“ Robert Coburn ....	2
“ W. G. Conrad .....	2
“ William Clancy .....	1
“ J. K. Toole .....	1
“ George Washington .....	1
Total ....	92

The President announced no one having received a majority of all votes cast there is no election

Moved by Connolly that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

Moved by Hill that the House adjourn until 10 o'clock tomorrow Feb 23 1901.

Amendment by Faust that the House adjourn until 10:30 to morrow Feb 23 1901

Amendment Carried.

Mr Speaker announced that the House stands adjourned until 10'30 to-morrow Feb 23, 1901.

ROGER E. SKELLY Clk

FRANK E. CORBETT Speaker

## FORTY-EIGHTH DAY

House of Representatives.

Helena Mont Feb 23 1901

House met pursuant to adjournment at 10:30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

### NOTICES.

Notices of the introduction of Bills were as follows:

By Gilchrist. A Bill for an act entitled "An act to amend Section 2211 of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain, as amended by Senate Bill No. 104, of the Sixth Legislative Assembly of the State of Montana, approved March 7th, 1899, and also to amend Sections 2213, 2217, 2218, 2219, 2220, and 2221 of Title VII, of Chapter I, of Part III of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain."

(Also: A Bill entitled "A Bill to amend Section 1736 of the Code of Civil Procedure of the State of Montana, relating to appeals in civil actions.")

Also: A Bill entitled "A Bill for an act to amend Article I, of Chapter VII, Title VIII of the Code of Civil Procedure of the State of Montana, relating to exceptions."

By Swindlehurst: A Bill for an act to create an Insurance Department.

By Rosman: A Bill entitled "A Bill for an act entitled an act to confer upon the County Commissioners of the County of Broadwater the same power and authority conferred upon the County Commissioners of other counties of the State of Montana.

Also: A Bill changing the name of the Deaf, Dumb and Blind Asylum.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker Your committee on Labor having under consideration House Bills No's 65 and 26, report back H. B. No. 65 amended to be known as the Richardson-Dixon Bill, and as amended that it be placed in the

hands of the Steering Committee, with the recommendation that it do pass.

HENRY LEWNER Chairman

Moved by Faust that H. B. No 65 be ordered printed.

Substitute motion by Lannin that the report be adopted as read.

Substitute motion Carried.

H. B. No 65 as amended referred to steering committee

Mr. Speaker: The Ways and Means committee, having had under consideration that part of the Governor's Message, relating to the report of the State Board of Equalization, appointed Mr. Swindlenhurst as a sub-committee to act with Mr. Woods, who was appointed by the Judiciary Committee to take this matter up in connection with the Ways and Means Committee, and beg leave to report that a bill will be prepared and reported by the Judiciary Committee, embodying the views of the Ways and Means and Judiciary Committees.

MACGINNISS Chairman.

Mr. Speaker:—Your Committee on Mines and Mining to whom was referred House Bill No. 81 by Jerry, being a bill for an act to provide for the payment of employees semi-monthly, and to prevent the assignment by any (an) employee of any future earnings and providing a penalty for the violation thereof, beg leave to report the same back to the House with the recommendation that it do pass as amended. T. S. KILGALLON, Chairman.

Report adopted Substitute for H. B. No 81. ordered engrossed.

Mr. Speaker: Your committee on Ways and Means, having had under consideration, House Bill No. 136, introduced by Hedges, entitled "An Act Providing Certain Regulations Relative to the Sale of Intoxicating Liquors", report the same back without recommendation.

MACGINNISS Chairman.

Report adopted and H. B. No 136 ordered printed.

Mr. Speaker: Your committee on Ways and Means to whom was referred House Bill No. 98, introduced by Baker, entitled "An Act to Provide Traveling Expenses for County Assessors While Making the Annual Assessment", report the same back to the House with the recommendation that it do pass.

MACGINNISS Chairman.

Report adopted and H. B. No 98 ordered printed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 30, entitled "A bill for an act to amend Sections 4644 and 4646, Chapter IV, Title II, Part IV, of the Political Code Relating to the Fees of Jurors," beg to report the same back with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 30 indefinitely postponed.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 38, entitled "A bill for an act to repeal Subdivisions 1, 2, 3 and 4 of Section 513, of the Code of Civil Procedure, Relating to the time for the commencement of actions in certain cases, and to declare that the act approved March 9, 1893, entitled An Act to amend Section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana, being Section 524 of the Code of Civil Procedure to be the law of this State," beg to report the same back to the House with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 38 indefinitely postponed.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bills Nos. 83, 143, 147, 92, 133, 146, respectfully report the same as correctly printed, and House Bill No. 107, with a correction in paragraph No. 45, page 7, line 139, the letter "o" has been omitted from the word "To", and in line 272 1-2 the word "of" should be "or", which corrections have been made.

GEO. F. WHITE Chairman.

Report adopted and H. B's Nos 83, 143, 147, 92, 133, 146, and 107 Referred to steering Com.

Mr Speaker: Your Committee on Apportionment and Representation met Thursday February 21st, 1901. and report a Substitute Bill for House Bill No. 30

THOMAS F. WARD Chairman

Report adopted and Substitute for H. B. No 30 ordered printed.

Mr. Speaker:—Your committee on Mines and Mining to whom was referred Senate Bill No. 52, introduced by Meyer of Carbon, being an Act to



permit amended and additional Declaratory statements of locators and Mining Claims to be filed and to validate amended and Additional Declaratory statements of locators of Mining Claims heretofore filed, beg leave to report the same back to the House that it do pass as concurred in.

T. S. KILGALLON, Chairman.

Report adopted and S. B. No 52 Referred to Steering Committee.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred House Bill No. 137, introduced by Hedges, entitled "An Act to Amend Section 541 of the Penal Code of the State of Montana, Relating to Offenses Against Good Morals", report the same back with the recommendation that it do not pass, for the reason that there is at the present time a good and sufficient law covering this subject.

MacGINNISS Chairman.

Report adopted and H. B. No 137 placed on file

Mr. Speaker:—Your committee on Mines and Mining to whom was referred House Bill No. 139 by Berkin, being an Act to amend Section 634, Chapter 11, of Title 9 of Part 1 of the Penal Code of the State of Montana relating to other injuries to persons, beg leave to report the same back to the House with the recommendation that it do pass.

T. S. KILGALLON, Chairman.

Report adopted and H. B. 139 ordered printed.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Senate Bill No. 86, Introduced by Courtney for an Act to change the name of Powell County from that of Powell County to that of Deer Lodge County; and report it back with the recommendation that we do concur with the Senate.

J. E. MARTIN Chairman.

Report adopted and S. B. No 86 Referred to steering Committee.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Senate Bill No. 83, Introduced by Committee on Counties, Towns and Municipal Corporations for an Act to Provide and Regulate the Form of Ballots and Method of Voting upon Propositions of Bonded Indebtedness Submitted to Electors of Counties; and report it back with recommendations that we do concur with the Senate.

J. E. MARTIN Chairman

Report adopted and S. B. No 83 Referred to steering Committee.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Senate Bill No. 84, Introduced by Courtney. A bill for an Act to Change the name of Deer Lodge County from that of Deer Lodge County to that of Daly County; and report it back with the recommendation that we do concur with the Senate.

J. E. MARTIN Chairman.

Report adopted and S. B. No 84 referred to Steering Committee.

Mr. Speaker: Your Committee on Engrossment report having correctly Engrossed House Bills No's 14 and 51 and herewith return the same.

B. F. MYERS Chairman.

Report adopted and H. B's No's (14 and) 51 ordered printed.

Mr. Speaker: Your Committee on corporations other than Municipal, to whom was referred House Bill No. 141 introduced by Gilchrist, entitled "An Act to Amend Section 525 of the Civil Code", beg to report the same back with the recommendation that it do not pass.

J. E. MARTIN Chairman.

Report adopted.

Mr. Speaker: Your committee on Ways and Means, to whom was referred Senate Bill No. 93, entitled "An Act to Amend Chapter XIII, Title XIII, of the Penal Code of Montana, Relating to the Malicious Destruction of Property by the use of Dynamite or other Explosives, by Adding to Said Chapter an Additional Section to be Numbered 1035", report the same back to the House with the recommendation that it be concurred in.

MacGINNISS Chairman.

Report adopted and S. B. No 93 referred to steering Committee.

Mr. Speaker: Your Committee on Ways and Means, to whom was referred House Bill No. 54, introduced by Urquhart, entitled "An Act to Amend Section 4603 of the Political Code of Montana, in Reference to the Appointment, Number and Compensation of Deputies of County Officers",

report the same back to the House with the recommendation that it do not pass and recommend the accompanying substitute for passage.

MacGINNISS, Chairman.

Report adopted and Substitute for H. B. No 54. referred to steering committee.

Mr. Speaker: Your Committee on Ways and Means, having had under consideration House Bill No. 153, introduced by Roland, entitled "An Act to Amend Section 220, of the Political Code of the State of Montana, Relating to Compensation of Members, Officers and Employes of the Legislative Assembly," report the same back with the recommendation that it do pass.

MacGINNISS, Chairman.

Report adopted and H. B. No 153, ordered printed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred Senate Bill No. 73, introduced by Anderson, entitled "An Act Providing for Farmers' Institutes and Making an Appropriation Thereto," beg to report the same back to the House with the recommendation that it be concurred in.

MacGINNISS, Chairman.

Report adopted and S. B. No 73 referred to steering committee

Mr Speaker: Your Committee on Ways and Means, to whom was referred Senate Bill No. 47, introduced by Tierney, entitled "An Act to Repeal an Act Approved March 16, 1895, Whose Provisions Constitute Section 4061, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, Relating to Taxation of State Banks," report the same back without recommendation.

MacGINNISS, Chairman.

Report adopted ad Senate Bill No 47, referred to steering committee.

Mr. Speaker: Your committee on Ways and Means, having had under consideration Senate Bill No. 67, introduced by Mahon, entitled "An Act to Amend Section 517, Chapter 5, Title 9, Part 4, of the Penal Code of the State of Montana, Relating to the Interment of Human Remains." report the same back to the House with the recommendation that it be concurred in.

MacGINNISS, Chairman.

Report adopted and S. B. No 67 referred to steering committee

MR. SPEAKER: Your Committee on Appropriations to whom was referred House Bill No. 66, for the relief of Charles R. Leonard, et al., report the same pack to the House with the recommendation that it do pass, and herewith file the papers considered by your Committee in explanation of the Bill.

HILL, Chairman.

Report adopted and H B.. No. 66 ordered printed.

Mr. Speaker: Your Committee on Fish and Game, to whom was referred House Bill No. 13 beg to report the same back to the House with the recommendation that it do pass as amended by your Committee.

McDONALD, Chairman.

Report adopted and H. B. No 13 ordered engrossed.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 150 by Crawford, beg to report the same back to the House with the recommendation that it do pass.

HILL, Chairman.

Report adopted and H. B. No 150 ordered printed

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 158 by Hill, beg to report the same back to the House with the recommendation that it do pass.

HILL, Chairman.

Report adopted and H. B. No 158 ordered printed.

### 3RD READING OF HOUSE BILLS.

On reading H. B. No 49 Faust moved to return to order of business No 9.  
Motion Carried.

### MESSAGES FOM THE GOVERNOR.

Executive Office, Helena, Montana, February 21st, 1901.  
To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have to-day approved House Joint Concurrent Resolution No. 2, entitled, "A resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the People."

Very respectfully, J. K. TOOLE Governor.

February 23rd, 1901.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to return herewith to the House of Representatives House Bill No. 18, with my objections to the same. This Bill proposes to repeal section 2528 of the Political Code, which reads as follows:

"That any and all persons admitted inmates of the said home shall assign to the home, for its support, as much of the pension they may receive from the general government, as the Board may determine; Provided, that the amount in no case shall exceed two-thirds of their said pension." (Sec. 2528, Act Approved Mch. 18, 1895)

If it was wise to provide under the law establishing the Soldiers Home, as I think it was, for the contribution on the part of those admitted, mentioned in Sec. No. 2528, every consideration that could have been urged then to justify the same obtains now with even greater force, in view of the large number of educational, penal, reformatory and other institutions maintained at public expense. Similar provisions exist, as far as I have been able to ascertain, in every state of the Union where such homes are maintained at the state expense.

It is believed by many that owing to the advanced age of the inmates most of whom are survivors of the War of the Rebellion, the number would rapidly decrease so that few would be admitted in the future. This is an erroneous idea, as provision is now made by law for the admission of survivors of the Spanish-American War, which will call for the indefinite existence of the home, limited only by the ability of the State to maintain it. Two survivors of the Spanish-American War have already been admitted and it does not require great foresight to see that what amounts now to a comparatively small sum will soon become an item of great magnitude, the loss of which may seriously impair if not destroy the value of the home to these deserving people.

It is needless to say that the state feels a just pride in properly caring for the defenders of our flag, but in this, as in other matters, our financial ability should not be overtaxed nor the question of discipline overlooked. Under a wise management all of the necessities of life are furnished the inmates at state expense; to give them the whole amount of pensions drawn under such circumstances is not considered just to the state, for their best interests or conducive to good discipline of the home. A majority of the local board of the Soldiers Home, all old soldiers, actuated by motives of common interest, are insistent upon the necessity and justice of the present law. The only Grand Army Post in the State that has taken notice of the pending bill, so far as I know, has forwarded to me the following resolution:

"At a regular meeting of the Wadsworth Post No. 3, Grand Army of the Republic, Department of Montana, held at Grand Army Hall, in the city of Helena, Montana, on the 8th day of February, 1901, the following resolution was unanimously adopted: 'Resolved, that in the opinion of the members of Wadsworth Post No. 3, G. A. R., House Bill No. 18, now pending before the Senate, to repeal that section of the law requiring inmates of the Soldiers Home to turn over part of their pension for the support of the Home, should not pass, and the law should remain as it now is.'"

Surely the opinion of these veterans, bound together by ties hardly less strong than the bond of consanguinity, ought to have some weight, especially as they relate to those matters which make for or against the proper discipline of the institution. Aside from this, every inmate of the institution upon being admitted, agreed in writing to the following rule:

"On consideration of being admitted to the Montana Soldiers Home and receiving its benefits, I agree to surrender and pay over to the Commandant or Board of Managers two-thirds of the pension money I shall receive, provided it does not leave me less than four dollars per month. This rule shall not apply to any inmate who has a family consisting of wife and children, or either of them dependent upon him for support; the said inmate agreeing to pay over to said wife or some other proper person designated by the Board the part of such pension heretofore required to be paid for the support of the home."

Why should change the contract now? If it works any hardship or



deprives the inmates of any needful thing, it has not come to my knowledge. This obligation made pursuant to law was a condition precedent to their admission into the home. Is it competent for the Legislature to remit or release such persons from that obligation now? Sec. 39, Article 5 of the Constitution of this State reads as follows:

"No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the Legislative Assembly."

The Courts would probably hold that the bill violated this section.

It is not doubted that it would be perfectly competent to make such a provision so far as all persons are concerned who shall be hereafter admitted, but it is believed that if one class of inmates are obliged to pay a certain part of their pension to aid in their support, and another class are exempt from such liability, it would be considered a hardship upon the part of those who are obliged to pay, and result in much trouble and feeling, which would interfere with the proper management and discipline of the institution.

Very respectfully, J. K. TOOLE, Governor.

The Governor's veto was sustained by the following vote

Ayes—Adkins, Axtell, Bages, Becker, Bienenburg, Bourne, Brein, Brownlee, Connor of Ravalli, Cram, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Godfrey, Gregory, Jones, Kilcannon, Lanning, Lehman, Lowrey, McCone, McDonnell (of Deer Lodge), McIntyre, Mennier, Patterson, Pelletier, Roland, Rossman, Shanley, Sullivan of Lewis & Clark—22.

Noes—Baker, Berkin, Cannon, Connor of Cascade Co., Dee, Fine, Gilchrist, Hartwig, Hodges, Hill, Jensen, MacGinniss, Madden, Martin, McDonnell (of Jefferson), Motlen, Myers, Ponderosa, Quinn, Richardson, Sander, Stull, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Ward, White, Woods, Mr. Speaker—30.

Absent and Paired Crawford, Dixon, Geary, McTague, Murray, Newberry, Newton, Urauhart—8.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb. 23, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

(It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.)

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Hobson, Kelly, Meyer, Phillips, Worden—6.

For Frank—Biggs, Clark, Cullen, Hoffman, Murray, Myers—6.

For Cooper—Conrow, Gruwell, Tierney—3.

For MacGinniss—Kennedy, Warner—2.

For Conrad—Stanton—1.

Absent and paired Connolly, Courtney, Geiger, Mahon, McLean, Mitchell—6.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Patterson, Roland, Shanley, Stull—19.

For Frank—Baker, Berkin, Brien, Cannon, Ferry, Fine, Fitzpatrick, Gilchrist, Hartwig, Hill, Kilgallon, Madden, McDonnell, Rosman, Toole, White, Wood—17.

For MacGinniss—Axtell, Connor of Cascade, Cram, Dee, Donaldson, Jensen, Lannin, Lewney, McDonald of Jefferson, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman, Ward—18.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole—MacGinniss—1.

For Clements—Sanden—1.

Absent and paired Adkins, Crawford, Dixon, Geary, McTague, Murray, Newberry, Newton, Urquhart and Corbett—10.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	25
“ H. L. Frank .....	23
“ John MacGinniss .....	20
“ Walter Cooper .....	7
“ W. G. Conrad .....	1
“ J. K. Toole .....	1
“ J. M. Clements .....	1
Total	78

The President announced no one having received a majority of all votes cast there is no election.

Moved by Worden that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

Moved by Stull that when the House adjourn it does (so) until Feb 25, 1901 at 11 oclock

Motion Carried.

Mr Speaker signs Senate Bills No 42, 55, 56, 41, and Substitute for S. B. No 17 and Senate Joint Memorial Nos 1 and 2, in the presence of the House.

On motion of Toole the House adjourned until Feb 25, 1901 at 11 o'clock  
A. M.

ROGER E. SKELLY, Clk.

FRANK E CORBETT Speaker

## FIFTIETH DAY

### HOUSE OF REPRESENTATIVES.

Helena, Mont. Feb 25 1901.

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No. 149 and 140 respectfully report the same back as properly printed.

GEO. F. WHITE, Chairman.

Report adopted and H. Bs. Nos 149 and 140 Referred to steering Committee

Helena, Montana, February 23rd, 1901.

Mr. Speaker:—Your Committee on State Institutions and Public Buildings beg leave to report the approval by this Committee of the report of the investigation Committee regarding the Insane Asylum at Warm Springs.

BIELENBERG, Chairman.

Moved by Stull that the report be laid on the table.

Amendment by Hedges that the report be rereferred for further investigation.

Substitute for all pending motions by Hill that report be adopted.

Substitute carried.

Your Committee on Appropriations, to whom was referred House Bill No. 157, by Hedges, being a Bill for an Act to appropriate one hundred and eighty dollars to pay P. J. Gilligan for extra services as Reading Clerk, beg leave to report said Bill back to the House without recommendation.

EMERSON HILL, Chairman.

Report adopted and H. B. No 157 ordered printed.

Your Committee on Appropriations, to whom was referred House Bill No. 138, by Berkin, being a Bill for an Act to enable the State Auditor to purchase ten thousand state maps in folder form for free distribution, beg to report said Bill back to the House with the recommendation that, as amended by your Committee, it do pass.

EMERSON HILL, Chairman.

Report adopted and H. B. No. 138 ordered printed.

We, your committees on Appropriations and State Institutions, having in joint session had under consideration H B 58, by Newbury, being a Bill for an Act Appropriating Money for the Maintenance, Extension and Improvement of the State Reform School, respectfully report the same back with the recommendation that it do pass, with the following amendment: That Section II be stricken out.

BIELENBERG, Chairman.

EMERSON HILL, Chairman.

Report adopted and H. B. No 58 as amended ordered engrossed.

We, your Committee on State Institutions and Public Buildings, having had under consideration House Bill No. 156, by Metlen, being a Bill for an Act entitled an Act for the Erection, Furnishing and Equipment of a Dormitory Building, and for the Installation of a Heating Plant for the State Normal School of Montana, and Providing for the Issuance of Bonds to Raise Money Therefor, respectfully report the same back with the recommendation that it do pass.

BIELENBERG, Chairman.

Report adopted and H. B. No. 156 ordered printed.

Your Committee on State Institutions and Public Buildings, having had under consideration House Bill No. 86 by Stull, being A Bill for an Act to create a Board for the selection and purchase of a site for the Hospital for the Insane of the State of Montana, and defining the duties and powers of said Board. Respectfully report the same back with the recommendation that it be indefinitely postponed.

JOHN BIELENBERG, Chairman.

On motion of Hedges H. B. No 86 was ordered printed.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 55 as correctly enrolled

MacGINNISS, Chairman.

Report placed on file.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 38 as correctly enrolled.

MacGINNISS, Chairman.

Report placed on file.

Mr Speaker signs H. B's No's 38 and 55 in the presence of the House.

There being no objection the House returned to order of business No 2.

### NOTICES.

Notices of the introduction of bills were as follows:

By Meunier: A Bill to amend Subdivision 5, Section 3701 of the Political Code of the State of Montana, relating to the assessment of property.

By Patterson: A Bill relating to the revision of the sheep inspection statutes of Montana.

### THIRD READING OF HOUSE BILLS.

H. B. No 14 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson,



Pendergrass, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan or Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood—58.

Noes none.

Absent Dee, Dixon, Jones, Jensen, Lannin, McDonnell (of Deer Lodge), Pelletier, Quinn, Stull, Urquhart, Ward, Mr. Speaker—12.

H. B. No 14 Ordered transmitted to the Senate.

H. B. No 45 read as amended by the Senate and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Pendergrass, Richardson, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood—56.

Noes none.

Absent, Dee, Dixon, Hill, Jensen, Jones, McDonnell of Deer Lodge, Patterson, Pelletier, Quinn, Roland, Stull, Urquhart, Ward, Mr. Speaker—14

H. B. No 45, as amended ordered enrolled.

The honorable the Senate entered the House, were received and the Senate and the House resolved themselves into Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

##### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb, 25th. 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would not proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Mantle—Anderson, Geiger, Hobson, Kelly, Meyer—5.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Myers—6.

For Cooper—Conrow, Tierney—2.

For MacGinniss—Kennedy, Warner—2.

For Conrad—Stanton—1.

Absent and paired. Connolly, McLean, Gruwell, Mahon, Phillips, Mitchell, Worden, Murray—8

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Mantle—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor, of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntire, Murray, Newberry, Newton, Roland, Shanley, Stull—21.

For Frank—Baker, Berkin, Brein, Cannon, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Kilgallon, Madden, McTague, Rosman, Toole, White Corbett—18.

For MacGinniss—Adkins, Axtell, Conner, of Cascade, Cram, Crawford, Donaldson, Lewney, McDonnell, Meunier, Pelletier, Pendergrass, Richardson, Sullivan, of Lewis and Clarke; Sullivan of Silver Bow; Thoroughman, Ward—16.

For Cooper—Martin, Metlen, Myers, Swindlehurst—4.

For Toole MacGinniss—1.

For Clements—Sanden—1.

For Conrad—Wood—1.

Absent and paired—Dee, Dixon, Jensen, Jones, Lannin, McDonnell (of Richardson, Urquhart—8.

The President announced the vote of the Joint Session as follows:

For Lee Mantle .....	26
“ H. L. Frank .....	24
“ John MacGinniss .....	18
“ Walter Cooper .....	6
“ W. G. Conrad .....	2
“ J. K. Toole .....	1
“ J. M. Clements. ....	1
Total .....	78

The President announced no one having received a majority of all votes cast there is no election.

Moved by Kennedy that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion Carried.

On motion of McTague the House took a recess until 2.30 o'clock.

2.30 o'clock P. M.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

H. B. No. 13 ordered printed.

H. B. No 41 referred to steering com.

Mr Speaker signs Substitute for S. B. No 17 and S. B. No 4, in the presence of the House.

On motion of Hill H. B. No 49 was read a third time y title only and passed by the following vote.

Adkins, Axtell, Baggs, Baker, Becker, Brownlee, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Hartwig, Hedges, Jensen, Lannin, Lowney, MacGinnis, McIntyre, Mennier, Myers, Newberry, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst—37.

Noes—Berkin, Bielenburg, Bourne, Brein, Cannon, Geary, Gilchrist, Gregory, Hill, Kilgallon, Lehman, Madden, Martin, McCone, McDonnell (of Jefferson), Metlen, Murray, Patterson, Rossman, Stull, Toole, White, Wood, Mr. Speaker—24.

Absent—Dixon, Godfrey, Jones, McDonnell (of Deer Lodge), McTague, Newton, Thoroughman, Urquhart, Ward—9.

H. Joint Memorial read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford Dee, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, Metlen, Mennier, Murray, Myers, Newberry, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—59.

Noes none.

Absent Dixon, Donlan, Godfrey, Jones, Kilgallon, McDonnell (of Deer Lodge), McTague, Newton, Thoroughman, Urquhart, Ward—11.

H. B. No. 16 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, MacGinnis.

Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, White, Wood, Mr. Speaker—55

Noes none.

Absent, Dee, Dixon, Donlan, Gilchrist, Hill, Jones, Kilgallon, McDonnell (of Deer Lodge), Newberry, Newton, Patterson, Thoroughman, Toole, Urquhart, Ward—15.

H. Joint Memorial No 1 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—57.

Noes none.

Absent Becker, Dixon, Godfrey, Hill, Jones, Kilgallon, MacGinnis, McDonnell (of Deer Lodge), Newton, Patterson, Thoroughman, Urquhart, Ward,—13.

H. B. No 60 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newton, Pelletier, Pendergrass, Quinn, Richardson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—56.

Noes none.

Absent Dixon, Donaldson, Donlan, Faust, Godfrey, Hedges, Jones, McDonnell (of Deer Lodge), Newberry, Patterson, Roland, Thoroughman, Urquhart, Ward—14.

S. B. No. 45 read first and second time referred to com on Agriculture and Stock.

S. B. No 94 read first and second time referred to committee on Highways.

S. B. No 91 read a first and second time referred to committee on Townships and Counties.

Senate Substitute for H. B. No 53 read a first and second time, referred to committee on education.

S. B. No. 51, read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Bielenburg, Bourne, Brein, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hedges, Jensen, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McIntyre, Murray, Myers, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Wood—47.

Noes—Berkin, Brownlee, Hill, Metlen, Newberry, Pendergrass, White, Mr. Speaker—8.

Absent—Baker, Becker, Cannon, Dixon, Godfrey, Gregory, Jones, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McTague, Meunier, Newton, Thoroughman, Urquhart, Ward—15.

There being no objection Hill Sanden Connor of Ravalli and Patterson each introduced a bill without previous notice.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

H. B. No. 159, by Sullivan of Lewis and Clarke. A Bill for an act entitled an act for the protection of patrons of smelters and sampling works.

H. B. No. 160, by Appropriation Committee. A Bill for an act entitled an act appropriating money for the payment of the claims of certain persons



and companies account Orphans' Home heating plant in 1899 and 1900.

Also H. B. No. 161, A Bill for an act entitled an act appropriating money for the payment of the claims of members of the state board of charities and reform for traveling expenses during the year 1900.

H. B. No. 162, by Gregory. A Bill for an act entitled an act to license brokers, scalpers and sellers of theatre tickets.

H. B. No. 163, by Connor of Cascade. An act authorizing the publication of and distribution of One Hundred Thousand extra copies of the report of the Bureau of Agriculture, Labor and Industry of the year 1900 and appropriating money for the payment of the expenses of the same.

H. B. No. 164, by Gilchrist. A Bill for an act establishing the State School of Mines at Butte, Montana and providing for its organization and control.

Also H. B. No. 165, A Bill for an act to amend Section 1157 of the Code of Civil Procedure of the State of Montana (relating) to exceptions.

Also H. B. No. 166, A Bill for an act to amend Section 603 of the Political Code of the State of Montana and relating to appeals from the decision of the Board of Medical Examiners.

Also H. B. No. 167. A Bill for an act entitled an act to amend Section 2211 of the Code of Civil Procedure of the State of Montana relating to the right of eminent domain, as amended by Senate Bill No. 104, of the Sixth Legislative Assembly of the State of Montana approved March 7th, 1899 and also to amend Sections 2213, 2217, 2218, 2219, 2220, and 2221 of Title VII, of Chapter I, of Part III of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain.

H. B. No. 168, by Swindlehurst. A Bill for an act to create an insurance department in the State of Montana and providing for the appointments of a commissioner of insurance, deputy commissioner or insurance, and prescribing their powers and duties and compensation and appropriating money therefor.

H. B. No. 169, by Rosman. A Bill for an act entitled an act to confer upon the county commissioners of the county of Broadwater the same power and authority conferred upon the County commissioners of other counties of the State of Montana.

H. B. No. 170, by Fine. A Bill for an act entitled an act to provide for the collecting, arrangement and display of the products of the State of Montana at the St. Louis Fair to be held in 1903 and to make an appropriation therefor.

H. B. No. 171, by Patterson. An act to amend Sections 3033 and 3039 of the Political Code relating to Sheep Inspectors and their deputies.

H. B. No. 172, by Myers. A Bill for an act to amend Section 2954, Title I, Part III of the Penal Code of the State of Montana and to fix the salaries of the Warden of the Penitentiary.

Substitute for H. B. No. 73, by Bielenberg. A Bill for an act to amend Sections 950, 951, 953, 954, 955, 956, and 958 of the Civil Code of Montana in reference to and the killing of live stock by railroads.

House Joint Resolution No. 4, by Connor of Ravalli.

House Joint Memorial No. 5, by Sanden. A Joint Memorial to the Congress of the United States to aid in the reclamation of the arid lands of the State.

House Joint Memorial No. 6, by Hedges.

A Joint Concurrent Resolution No. 7, by Stull. A Resolution instructing the State Board of Education to investigate the advisability of a consolidation of the educational institutions of Montana, and report the result of their investigations to the Eighth Legislative Assembly.

#### READING OF HOUSE BILLS.

The following bills were read a first and second time:

H. B. No. 159, read a first and second time. Referred to Committee on Mines and Mining.

H. B. No. 160, read a first and second time. Referred to Committee on Printing.

H. B. No. 151, read a first and second time. Referred to Committee on Printing.

H. B. No. 162, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 163, read a first and second time. Referred to Committee on Appropriations.

H. B. No. 164, read a first and second time. Referred to Committee on Education.

H. B. No. 165, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 166, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 167, read a first and second time. Referred to Committee on Judiciary.

H. B. No. 168, read a first and second time. Referred to Committee on Insurance.

H. B. No. 169, read a first and second time. Referred to Committee on Townships and Counties.

H. B. No. 170 read a first and second time and was indefinitely post poned. There being no objection the House returned to order of business number 2.

#### NOTICES.

Notices of the introduction of Bills were as follows:

By Lannin: A Bill to disqualify any person connected in any capacity with any State Institution from sitting as a member of the Legislative Assembly of the State of Montana.

By Hill: A Bill for an act to regulate the building of bridges and other crossings over irrigation ditches and flumes.

On motion of Gilchrist the House adjourned untill tomorrow Feb 26 1901 at 10.30 A. M.

ROGER E. SKELLY, Clk

FRANK E. CORBETT Speaker

## FIFTY-FIRST DAY

### HOUSE OF REPRESENTATIVES.

Helena, Mont Feb 26, 1901.

House met pursuant to adjournment at 10.30 A. M .

Mr. Speaker in the chair.

Roll Call.

Quorum Present.

Prayer by the Chaplain.

The Journal of the previous day was read and approved.

Mr. Speaker:—I move you that a committee of three be appointed whose duty it shall be to daily read and approve the Journal, and that all further reading of proceedings, for the balance of this session be dispensed with.

ROSMAN.

Motion Carried.

Mr. Speaker:—I move you, sir, that a committee composed of three members of this House, be appointed to check the books of the Stock Association of Montana, for the purpose of ascertaining and reporting to the House the amount of money collected from the sales of estrays (unclaimed) during the past years, and such other information on that point as may be deemed necessary, and that said committee shall report within three days, or if unable so to do shall report progress, and ask for further time.

G. F. WHITE.

Motion Lost by the following vote.

Ayes—Adkins, Axtell, Berkin, Cram, Crawford, Dee, Donaldson, Ferry, Fitzpatrick, Gilchrist, Hartwig, Hill, Lannin, Lowney, McCone, McDonnell of Deer Lodge, Metlen, Meunier, Myers, Newton, Pelletier, Quinn, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, White, Wood—27.

Noes—Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon,

Connor of Cascade, Connor of Ravali, Donlan, Faust, Fine, Geary, Godfrey, Gregory, Hedges, Jensen, Lehman, MacGinnis, Madden, Martin, McDonnell (of Jefferson), McIntyre, McTague, Murray, Newberry, Patterson, Pendergrass, Richardson, Roland, Shanley, Stull, Swindlehurst, Toole, Mr. Speaker—35.

Absent Baggs, Dixon, Jones, Kilgallon, Rossman, Thoroughman, Urquhart, Ward—8.

Mr Speaker appoints.

ROSMAN, SWINDLEHURST, BAKER, Committee on Journal.

#### REPORTS OF STANDING COMMITTEE.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 87, entitled: "A Bill for an Act to Amend Section 180, of Title II, Chapter III, of the Code of Civil Procedure, of the State of Montana, Relating to the Disqualification of Judges," beg to report as follows:

We recommend that Subdivision 4, of Section 180, be amended by striking out the last sentence thereof, to wit, the words: "Such prejudice or bias may be shown by affidavit made and filed, by or on behalf of any party to the action."

We recommend that Subdivision 5, of Section 180, be amended by adding after the words "Clerk of the District Court," the following words, to wit: "with an affidavit made by or on (in) behalf of the party filing such objections, stating the facts upon which such claim of bias or prejudice is founded."

We further recommend that said Subdivision 5 be amended by adding after the words "hear such objections and such evidence," the following words, to wit: "oral or by affidavit."

We further recommend that said Subdivision 5 be amended by adding after the words "in support of," the following words, to wit, "or in opposition to."

We further recommend that said Subdivision 5 be amended by adding after the words "a change in the place of trial," the following words, to wit: "The Supreme Court shall advance such appeal for hearing, giving the same precedence over other matters pending in said court, and determine the same as speedily as may be practicable."

We recommend that said Bill as amended do pass.

M. P. GILCHRIST, Chairman.

Moved by MacGinnis that S. B. No 87 be referred to committee on Judiciary.

Amendment by Hedges that the report be adopted.

Amendment Lost by the following vote.

Ayes—Adkins, Bielenburg, Bourne, Brownlee, Connor of Ravali, Crawford, Donlan, Faust, Godfrey, Gregory, Hedges, Madden, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Murray, Newberry, Newton, Stull, Swindlehurst, Toole, Woods—24.

Noes—Axtell, Baggs, Baker, Becker, Berkin, Brein, Cannon, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Jensen, Lannin, Lehman, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, White, Mr. Speaker—40.

Absent. Dixon, Fine, Jones, Kilgallon, Urquhart, Ward—6.

Amendment by Toole to original motion that the committee be required to report back tomorrow.

Amendment carried.

Mr. Speaker: The Judiciary Committee to whom was referred H. B. No. 155, entitled: "A bill for an act entitled an act to authorize the state board of health to determine the qualifications, and issue licenses to persons engaged in preparing for burial or transportation human bodies dead of infectious or contagious diseases," reports that it recommends said bill for passage.

M. P. GILCHRIST, Chairman.

Report adopted and H. B. No 155 ordered printed.

Mr. Speaker: The Judiciary Committee reports having had under con-



sideration S. B. No. 77, entitled: A bill for an act entitled an act authorizing District Courts and also the Supreme Court of the State to direct judgment to be entered in certain cases instead of granting a motion for a new trial." Said Judiciary Committee reports that it concurs in the action of the Senate, and recommends that said Bill be passed.

M. P. GILCHRIST, Chairman.

Report adopted and S. B. No 77 referred to steering committee.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 72, entitled: A bill for an act to amend an act entitled an act to provide for the filing of contracts, notes and instruments for the sale of personal property where title is to remain in the vendor until purchase price is paid, approved March 3, 1899, beg to report that we concur in the action of the Senate, and recommend said Bill for passage.

M. P. GILCHRIST, Chairman.

Report adopted and S. B. No. 72 referred to steering committee.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 80, entitled: A bill for an act entitled an act to amend Section 3250, Chapter XIII, Title VII, Part III of the Political Code of the State of Montana," beg to report that we concur in the action of the Senate, and recommend said Bill for passage.

M. P. GILCHRIST, Chairman.

Report adopted and S. B. No 80 referred to steering committee.

Mr. Speaker:—Your Committee on Engrossment report House Bills Nos. 58 and 81 correctly engrossed and herewith return the same to the House.

B. F. MYERS, Chairman.

Report adopted and H. B's No's 58 and 81 ordered printed.

Mr. Speaker:—Your Committee on Education having had under consideration Senate Substitute for H. B. No. 53, appoint, "An act to provide for the voting levy and collection of special taxes for school purposes" recommend that a conference committee be appointed to take action on same.

Also House Bill No. 154, introduced by Stull "An act to prevent wrongs to children," recommend that it do pass. S. R. JENSEN, Chairman.

Report adopted and H. B. No 154 ordered printed.

On motion of Gregory the House took a recess until 12 o'clock M.  
12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, Feb. 26 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly should announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following (vote) was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Worden—8.

For Frank—Biggs, Clark, Courtney, Cullen, Hoffman, Murray, Myers, Warner—8.

For Cooper—Conrow, Tierney—2.

Coburn, Connolly, Mahon—2.

Conrad—Stanton—1.

For MacGinniss—Kennedy—1.

Paired—Gruwell and Phillips. 2

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bourne, Brownlee, Conner of Ravalli, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—20.

For Frank—Baker, Berkin, Brein, Cannon, Ferry, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Madden, McDonnell, McTague, Rosman, Toole, White, Wood, Corbett—18.

For MacGinniss—Axtell, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Jensen, Lannin, Lewney, McDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Thoroughman—18.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst—5.

For Toole—Macginniss—1.

For Clements—Sanden—1.

For Conrad—Adkins—1.

Absent and paired—Bielenberg, Dixon, Jones, Kilgallan, Urquhart, Ward—(6).

The President announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	28
“ H. L. Frank .....	26
“ John MacGinniss .....	19
“ Walter Cooper .....	7
“ Robert Coburn .....	2
“ W. G. Conrad .....	2
“ J. K. Toole .....	1
“ J. M. Clements .....	1
Total .....	86

The President announced no one having received a majority of all votes cast there is no election.

Moved by Stanton that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of Fitzpatrick the House took a recess until 2.30 P. M.  
2.30 o'clock P. M.

House Resumes.

Mr Speaker in the Chair.

Roll Call.

Quorum Present.

The Speaker announces to the House that he appoints as conference committee, to confer with the Honorable the Senate of the State of Montana upon the subject of House Bill No. 53 and (the amendments) thereto offered by the Senate in the form of a substitute bill, the following named members of the House: Jensen of Cascade, Dixon of Missoula, and Baker of Lewis & Clarke.

FRANK E. CORBETT, Speaker.

#### INTRODUCTION OF BILLS.

Richardson & Jensen were allowed to introduce Bills without previous notice.

The following Bills were introduced:

H. B. No. 173. by Committee on Appropriations. A Bill for an act to pay employees of the Senate and House, as provided in Section 209, Part III, Title I, Chapter II, Article IV and as provided for in Section 223, Part III, Title I, Chapter II, Article V of the Political Code of the State of Montana.

Also H. B. No. 174. A Bill for an act entitled an act making appro-

pritations for the State Institutions of Montana for the fiscal years ending November 30th, 1901, and November 30th, 1902.

Also H. B. No. 175. A Bill for an act entitled an act making appropriations for the executive and judicial departments of the State Government for the fiscal years ending November 30th, 1901 and November 30th, 1902.

H. B. No. 176, by Meunier. A Bill for an act to amend Subdivision 5, Section 3701 of the Political Code of the State of Montana, relating to assessment of property.

H. B. No. 177, by Jensen. A Bill for an act to amend Sections 1737, 1742 and 1910 of the Political Code of the State of Montana relating to public schools; also Subdivision 15 of Section 1797 and Subdivision 3 of Section 1830, relating to public schools, as said Sections are now in force after amendment by an act of the Fifth Legislative Assembly, approved March 1897; all of the foregoing Sections being contained in Part III, Title III, Chapter VI of the Political Code.

H. B. No. 178, by Richardson. A Bill for an act to amend Section 4596 of the Political Code of the State of Montana relating to the compensation to be allowed to Deputy (deputies) or Assistants.

#### INTRODUCTION OF BILLS.

The following Bills were read first and second time.

H. B. No. 171, read first and second time. Referred to Committee on Agriculture and Stock.

H. B. No. 172, read first and second time. Referred to Committee on State Institutions.

H. B. No. 173, read first and second time. Referred to Committee on Printing.

H. B. No. 174, read first and second time. Referred to Committee on Printing.

H. B. No. 175, read first and second time. Referred to Committee on Printing.

H. B. No. 176, read first and second time. Referred to Committee on Judiciary.

H. B. No. 177, read first and second time. Referred to Committee on Education.

H. B. No. 178, read first and second time. Referred to Committee on Labor.

H. B. No. 179, read first and second time. Referred to Committee on Highways.

House Joint Resolution No. 4, read first and second time. Referred to Committee on Ways and Means.

House Joint Memorial No. 5, read first and second time. Referred to Committee on State Lands.

House Joint Memorial No. 6, read first and second time. Referred to Committee on Judiciary.

House Concurrent Resolution No. 7, read first and second time. Referred to Committee on Education.

There being no objection the House returned to order of business No 3.

Helena, Montana, February, 26, 1901.

Mr. Speaker:—Your Committee on Highways having had under consideration Substitute for Senate (Bill No. 94, introduced by Committee on Roads and Highways. A Bill for an Act to amend Section 1052 of the Penal Code of Montana, relating to malicious mischief, report the same back to the House without recommendation. ROSMAN Chairman.

S. B. No 94, referred to Steering Com.

Mr. Speaker:—Your Committee on Highways having had under consideration H. B. No. 90, introduced by Faust, and also H. B. No. 108, introduced by Baggs; on motion Committee ordered that Substitute for all road bills be introduced by Committee on Highways. ROSMAN Chairman.



## INTRODUCTION OF BILLS.

Rosman introduced a bill without previous notice.

H. B. No. 179 Substitute for H. B.'s No's 90 and 108, by Committee on Highways.

An act for the establishment of a Uniform system of Road Government and Administration in the counties of Montana.

## READING OF HOUSE BILLS.

H. B. No 179. read first and second time Referred to Committee on highways.

## MESSAGES FROM THE GOVERNOR AND SENATE.

Executive Office, Helena Montana. February 26th., 1901.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have to-day approved the following Bills:

H(ouse) B(ill) No. 38, entitled, "An Act to regulate the practice of Osteopathy in the State of Montana and to license Osteopaths in this State, and to establish a Board of Osteopathic Examiners, and to punish persons violating the provisions of this act."

H(ouse) B(ill) No. 55, entitled, "An act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 4 of Article 16 of the Constitution relating to County Commissioners."

Very respectfully, J. K. TOOLE Governor.

Helena, Montana, February 21, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bills Nos. 41 and 45 were read a third time and concurred in as amended and are herewith transmitted for your concurrence in the amendments.

Respectfully, C. A. WHIPPLE Secretary.

Helena, Montana, February 21, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

Senate (Bill) No. 102: By Hoffman: An Act to provide for the organization and incorporation of corporations for cleaning out and improving Rivers and streams in this State and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon and fixing maximum tolls therefor.

Senate Bill No. 103. By Mahon: A bill for an act entitled an act requiring railway corporations to use due diligence in running local, passenger accommodation and mixed trains on schedule time in the State of Montana and providing penalties for failure to comply with the provisions of this Act.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bill No. 24 was indefinitely postponed by Senate. Account Senate Bill No. 52 already passed covers subject matter.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Notices of the introduction of Bills were given as follows:

By Mahon: A bill for an act to change the name of Silver Bow County to Courtney County.

C. A. WHIPPLE Secretary.

Helena, Montana, February 22, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following Bills were introduced.

S. B. No. 104. By Judiciary Committee. A bill for an act to make legal and valid coupon bonds of Cascade County to the amount of \$130,000 of date July 1st, 1891 and payable July 1st 1901.

S. B. 105. By Mahon: A bill for an act to amend Sections 871 and 873 of the Code of Civil Procedure of the State of Montana relating to injunctions.

S. B. No. 106. By Connolly: A bill for an act entitled an act creating

the office of inspector of coal mines, defining his duties and providing his salary, and providing penalties thereof.

S. B. No. 107. By Kennedy: A bill for an act entitled an act to amend Section 2776 of the Code of Civil Procedure, relating to the compensation of Executors and Administrators.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 23rd, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The following Bills were introduced.

S. B. No. 108, By Murray. A Bill for an Act entitled an Act to provide for the appointment of road supervisors, to define and regulate their powers and duties, to fix their compensation, and to provide for the laying out and construction of new roads and highways, and the abandonment of old roads, and to repeal the Acts of March 4th, 1897 and of March 3rd 1899, in relation thereto.

S. B. No. 109, By Anderson. A Bill for an Act to amend Sections 3033 and 3039 of the Political Code, relating to sheep inspectors and their duties.

Respy

C. A. WHIPPLE Secy

Helena, Montana, February 25, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bill was introduced as follows:

Senate Bill No. 110. By Kennedy: A bill for an act to repeal an act entitled an act to enlarge the powers of mining corporations, to dispose of, sell, lease, mortgage, exchange or otherwise convey all or any part of the property of such corporations and to authorize and empower such corporations to dispose of sell, lease, mortgage, or otherwise convey the whole or any part of the property of such corporations and to protect stockholders dissenting from such actions of such corporation passed over the Governor's veto February 28, 1899.

Respy

C. A. WHIPPLE Secy

Helena, Montana, Feb. 25 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills Nos. 45, 91, Substitute for S. B. No. 94 and Senate Substitute for H. B. No. 53 have been read a third time and passed and are herewith transmitted for your concurrence.

Respectfully,

C. A. WHIPPLE Secy.

Moved by Dee that the Steering Committee be instructed to make H. B. No 65 a special order of business for tomorrow at 3. P. M. Feb 27th 1901

Motion Carried.

On motion of Swindlehurst the House went into the Committee of the whole for consideration of General orders as made by the Steering Committee.

With Lannin in the Chair.

House Resumes.

Mr Speaker in the Chair.

Lannin Chairman of the Committee of the whole made the following report.

Mr. Speaker—Your Committee of the Whole, having had under consideration S. B. No. 27, recommend that it be concurred in.

Also S. B. No. 26 and recommend that it be concurred in as amended.

Also S. B. No. 65 and recommend that it be concurred in as amended.

Also S. B. 31 and recommend that it be concurred in.

LANNIN Chairman.

On motion of Lannin the report was adopted as read.

S. B's No's 27 and 31 placed on third reading.

S. B's No's 26 and 65 ordered engrossed.

On motion of McDonnell of Deer Lodge the House adjourned until tomorrow at 13'30 A. M. Feb 27 1901

ROGER E. SKELLY Cf. Clk.

FRANK E. CORBETT Speaker

## FIFTY-SECOND DAY

House of Representatives.

Helena Mont Feb 27. 1901

House met pursuant to adjournment at 10'30 A. M.

Mr Speaker in the Chair.

Roll Call Quorum Present

Prayer by the Chaplain.

Certificate of return from Daniel McKay. received and placed on file referred to Judiciary Committee.

## REPORTS OF STANDING COMMITTEES.

Gilchrist Chairman of the Judiciary Committee reported progress as to S. B. 87 and asks for further time.

On motion of Lannin the Judiciary Committee was granted 24 hours further time.

Mr. Speaker:—Your Committee on Engrossment report correctly engrossed amendments to Senate Bill No. 65 and Senate Bill No. 26 and herewith return the same to the House.

B. F. MYERS Chairman.

Report adopted and S. B's No's 65 and 26 placed on 3rd reading.

House of Representatives, February 27, 1901.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 165, entitled: "A bill for an act to amend Sec. 1157 of the Code of Civil Procedure of the State of Montana, relating to exceptions," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 165 ordered printed.

Mr. Speaker: The Judiciary Committee, to whom was referred S. B. No. 37, entitled: "A bill for an act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17 and 19, and to repeal Sections 21 and 22 of Substitute for H. B. No. 69, approved March 3, 1899, and to renumber certain sections of said Act," begs to report to the House that it concurs in the action of the Senate, and recommends the (said) Bill for passage.

M. P. GILCHRIST Chairman.

Report adopted and S. B. No 37 referred to steering Com.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 134, entitled: "A bill for an act to be entitled An Act to amend Sections 1050, 1052, 1059 of the Code of Civil Procedure, and to repeal Sections 1063 and 1064 of the Code of Civil Procedure," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 134 ordered printed.

Mr. Speaker: The Judiciary Committee, to whom was referred H. B. No. 167, entitled: "A bill for an act entitled an act to amend Sec. 2211 of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain, as amended by S. B. No. 104, of the Sixth Legislative Assembly of the State of Montana, approved March 7, 1899, and also to amend Sections 2213, 2217, 2218, 2219, 2220 and 2221, of Title VII. of Chapter I of Part III, of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No. 167 ordered printed.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 162, entitled: "A bill for an act entitled an act to license brokers, scalpers and sellers of theatre tickets," beg to report the same back to the House with the recommendation that it do pass.

M. P. GILCHRIST Chairman.

Report adopted and H. B. No 162 ordered printed.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 166, entitled: "A bill for an act entitled an act to amend Sec. 603, of the Political Code of the State of Montana, and relating to appeals from decisions of the Board of Medical Examiners," beg to report the same back to the House with the recommendation that it do not pass.

M. P. GILCHRIST Chairman.

Report adopted.



Mr. Speaker:—Your Committee on Agriculture and Stock to whom was referred Senate Bill No. 59, by Kelly, beg to report that they concur in same, and recommend that it do pass. R. P. THOROUGHMAN Chairman.

Report adopted and S. B. No 59 referred to Steering Committee.

Mr. Speaker:—Your Committee on Agriculture and Stock, to whom was referred Senate Bill 92 by McLean, beg to report that they concur in the same, and recommend that it do pass. R. P. THOROUGHMAN Chairman.

Report adopted and S. B. No 92 referred to steering committee.

Mr. Speaker:—Your Committee on Agriculture and Stock to whom was referred Senate Bill No. 79, by Meyer of Carbon, recommend that same be indefinitely postponed, a similar Bill having been passed by the House.

R. P. THOROUGHMAN Chairman.

Report adopted and S. B. No 79 was indefinitely postponed.

Mr. Speaker:—Your Committee on Agriculture and Stock to whom was referred House Bill (No.) 171, by Patterson, beg to report that they have considered same, and recommend that it do pass.

R. P. THOROUGHMAN Chairman.

Report adopted and H. B. No. 171, ordered printed.

Mr. Speaker:—Your Committee on Printing to whom was referred House Bills numbered 22, 72, 135, 109, 151, 152, 98, 139, 153, 51, and Substitute H. B. No. 30, report the same back as properly printed.

GEO. F. WHITE Chairman.

Report adopted and H. B's No's. 22, 72, 135, 109, 151, 152, 98, 139, 153, 51 and Substitute for H. B. No 30 referred to steering committee.

#### REPORTS OF SELECT COMMITTEES.

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of 51st Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN Chairman.

On motion of Swindlehurst the report was adopted as read.

#### THIRD READING OF SENATE BILLS.

S. B. No 31 was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Godfrey, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Rossmann, Sanden, Stull, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood—57.

Noes—None.

Absent—Berkin, Fine, Gilchrist, Gregory, Hill, Jones, Kilgallon, Roland, Shanley, Sullivan of Lewis & Clarke, Thoroughman, Urquhart, Mr. Speaker—13.

S. B. No 27 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Godfrey, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Myers, Pelletier, Quinn, Richardson, Shanley, Swindlehurst, Toole, Woods, Mr. Speaker—43.

Noes—Baggs, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pendergrass, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Ward, White—13.

Absent—Connor of Ravalli, Dixon, Fine, Gilchrist, Gregory, Hedges, Hill, Jones, Kilgallon, Roland, Rosman, Stull, Thoroughman, Urquhart—14.

#### MESSAGES FROM THE SENATE.

Helena, Montana, February 26, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable

body, That: House Bill No. 49 was read a first time and rejected by the Senate and is herewith transmitted to the House.

Respectfully,

C. A. WHIPPLE Secretary.

Helena, Montana, February 26, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:

Senate Bill No. 111: By Committee on Counties, Towns and Municipal Corporations:

A bill for an act to authorize county Commissioners to purchase necessary blank books, records, lithographing and stationery for the use of county officers.

Respectfully,

C. A. WHIPPLE Secretary.

On motion of Jensen the House resolved itself into the Committee of the Whole for consideration of General Orders.

With Swindlehurst in the Chair.

House Resumes.

Mr. Speaker in the Chair.

On motion of Swindlehurst the House took a recess until 12 o'clock M. 12 o'clock M.

House Resumes

Mr Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved itself (themselves) into a Joint Assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Jan. (Feb.) 27 1901.

The members of the Senate and the House (of Representatives) of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of (the) Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly should announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Courtney, Cullen, Hoffman, Mahon, Murray, Myers, Warner—10.

For Cooper—Conrow, Gruwell, Tierney—3.

For Conrad—Stanton—1.

For MacGinniss—Kennedy—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges Lamm, (Lehman,) McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—22.

For Frank—Baker, Berkin, Brein, Cannon, Ferry, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Lewney, Madden, McDonnell, McTague, Rosman, Thoroughman, Toole, White, Corbett—19.

For MacGinniss—Axtell, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Jensen, Lamm, McDonald, Meunier, Pelletier, Pendergrass, Quinn,

Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Ward—17.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst—5.

For Conrad—Adkins, Wood—2.

For Toole—MacGinniss—1.

For Clements—Sanden—1.

Absent and paired—Kilgallon, Jones, Urquhart—3.

The President announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	31
" H. L. Frank .....	29
" John MacGinniss .....	18
" Walter Cooper .....	8
" W. G. Conrad .....	3
" J. M. Clements .....	1
" J. K. Toole .....	1

Total ..... 91

The President announced no one having received a majority of all votes cast there is no election.

Moved by Biggs that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of Fitzpatrick the House took a recess until 2'30 o'clock P. M.

2'30 o'clock P. M.

House Resumes

Mr Speaker in the Chair

Roll Call

Quorum Present.

Report of Chairman of the Committee of the whole.

Swindlehurst chairman of the committee of the whole made the following report.

Mr. Speaker:—The Committee of the Whole having considered bills on General Orders beg leave to report as follows:—

1st That we have considered Senate Bill No. 10, and recommend that the enacting clause be stricken out

2nd That we have considered Senate Bill No. 28 and recommend that it be amended and as amended, it be concurred in

3rd That we have considered Senate Bill No. 64 and recommend that it be concurred in.

4th That we have considered House Bill No. 59 and recommend that the bill do pass.

That we have under consideration H B No. 104 and beg to report progress.

SWINDLEHURST

On motion of Lannin the report was adopted as read.

Whereas House Bill 41 has been ordered by the House to be considered in general orders, and

Whereas it has precedence over bills being considered as ordeerd by the Steering Committee, I now move that when the House go again into the committee of the whole that the said House Bill 41 be first considered by said committee.

WOOD, Cascade.

Motion Carried.

There being no objection the House returned to order of business No. 3.

#### REPORT OF STANDING COMMITTEES.

Mr. Speaker:—Yor Committee on Agriculture and Stock to whom was referred House Bill No. 144 by Pelletier, recommend that same be indefinitely postponed.

R. P. THOROUGHMAN, Chairman.

Report adopted and H. B. No. 144 was indefinitely postponed.

Mr. Speaker: Your Committee on Agriculture and Stock, to whom was referred Senate Bill No. 45, providing for a system of meat and milk inspection, beg to report said Senate Bill No. 45 back to the House as a Substitute for House Bill No. 6 by Hedges, and with the recommendation that said Senate Bill No. 45 be concurred in by the House.

THOROUGHMAN, Chairman.

Report adopted and S. B. No 45 referred to steering com.



Mr. Speaker: Your Committee on Water Rights and Irrigation, to whom was referred S. B. No. 76, "A Bill for an act to amend Section 1880 of Title 8, Part 4, Division 2 of the Civil Code of Montana" having considered the same report said Bill back for concurrence. METLEN, Chairman.

Report adopted and S. B. No 76 referred to steering committee

On motion of Gilchrist the House resolved itself into the committee of the whole for consideration of General orders.

With Swindlehurst in the chair.

House Resumes

Mr. Speaker in the chair.

Swindlehurst chairman of the committee of the whole made the following report.

Mr. Speaker:—The Committee of the Whole having under consideration bills on general Orders beg leave to report as follows:—

That we have considered House Bill No. 41 and recommend that the amendment offered by the Senate be stricken out and that with the amendment stricken out that the bill do pass. SWINDLEHURST.

On motion of Connor of Cascade the report was adopted as read.

Moved by Richardson that the Steering Committee be instructed to report H. B. No 65 for special order of business for 3 o'clock P. M. Feb. 28, 1901

Motion Carried.

(On motion of McGinnis the vote on the report of the committee of the whole was reconsidered.)

On motion of McGinnis the Speaker was authorized to appoint a conference committee of three to act with a like committee from the Senate on H. B. No 41.

Mr. Speaker appoints the following conference committee Connor of Cascade, Sanden of Lewis and Clarke, Lehman of Fergus

On motion of Hill the House resolved itself into the committee of the whole for consideration of General Orders.

With Lannin in the chair.

House Resumes

Mr. Speaker in the chair.

Lannin chairman of the committee of the whole made the following report.

Mr. Speaker: Your committee of the whole having had under consideration H. B. No. 104 report said Bill do pass as amended.

LANNIN, Chairman.

On motion of Lannin the report was adopted as read.

Moved by McDonnell (of Deer Lodge) that the House adjourn until 10.30 o'clock tomorrow Feb 28, 1901.

Amendment by Lannin that we adjourn until tomorrow at 10.00 o'clock Feb 28 1901.

Amendment Lost.

Original motion Carried.

Mr. Speaker declares the House adjourned until 10.30 o'clock tomorrow Feb 28, 1901.

ROGER E. SKELLY Cl. Clk.

FRANK E. CORBETT Speaker

## FIFTY-THIRD DAY

House of Representatives

Helena, Mont Feb 28, 1901.

House met pursuant to adjournment at 10.30 A. M.

Mr. Speaker in the chair.

Roll call

Quorum Present.

Prayer by the Chaplain.

H. Joint Memorial No 8 read 1st and 2nd time referred to Judiciary Committee.

## REPORT OF STANDING COMMITTEES.

Mr. Speaker: Your Judiciary Committee, to whom was referred S. B. No. 74, entitled: A bill for an act to prohibit gambling within the State of Montana, to provide penalties for violations of this act, and repealing an act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled "An act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this act," beg to report the same back to the House with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST, Chairman.

Report accepted and S. B. No 74 was placed on file.

Mr. Speaker:—Your Committee on Labor having under consideration "House Bill No. 178, Introduced by Richardson" "A Bill for an Act to Amend Section 4596 of the Political Code of the State of Montana Relating to Compensations to be Allowed to Deputy or Assistants" Beg leave to report that it do pass.

HENRY LEWNEY, Chairman.

Report adopted and H. B. No 178 ordered printed.

Mr. Speaker:—Your Committee on Printing to whom was referred House Bills numbered 160, 150, 161, 13, 86, 156, 158, 138, 136, 157, and 66, report the same back as correctly printed. GEO. F. WHITE Chairman.

Report adopted and H. B. Nos 160, 150, 161, 13, 86, 156, 158, 138, 136, 157, and 66 referred to Steering Committee.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 45, as correctly enrolled. MacGINNISS Chairman.

Mr. Speaker signs H. B. No 45 in presence of the House.

Mr. Speaker:—We, your Committee on State Institutions and Public Buildings beg leave to report a Bill for An Act entitled An Act to provide for submitting to the people the question of increasing the rate of taxation and issuing bonds of the state in an amount not to exceed three hundred thousand dollars for the purpose of raising money to purchase for the state an insane asylum, and to provide for the purchase of the same, and recommend that the same do pass.

BEILENBURG Chairman.

Report adopted and H B No 181, ordered printed.

## REPORT OF SELECT COMMITTEES

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of 52nd Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN Chairman.

Report was adopted and reading of minutes dispensed with

## READING OF HOUSE BILLS.

H. B. No 59 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Crawford Dee, Dixon, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hedges, Hill, Jensen, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlin, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Woods, Mr. Speaker—59.

Noes—Pendergrass—1.

Absent Baker, Cannon, Donlan, Godfrey, Gregory, Jones, Kilgallon, Lannin, Unquhart, Ward—10.

Mr. Speaker: Your Committee on Elections and Privileges having had under consideration House Bill No. 50, by Dee, being a Bill for an Act to Safe Guard Elections, to Protect Voters, and to Provide a Penalty for the Violation Thereof, respectfully report the same back without recommendation.

R. J. FINE, Chairman.

Report adopted and H B. No 50 ordered printed

## MESSAGES FROM THE SENATE.

Helena, Montana, February 27, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That House Bills Nos. 33 and 89 were read a third time and concurred in.

House Bill No. 80 was amended, read a third time and concurred in, as amended.

Senate Bills Nos. 98 and 99 were read a third time and passed and the above five bills are herewith transmitted.

Respectfully,

C. A. WHIPPLE, Secretary.

Message placed on file H. B's Nos. 33 and 89 ordered enrolled.

Moved by Hedges that H. B. No 80 as amended by the Senate be taken up.

Motion Carried.

On motion of Hedges the amendment to Section 1 of H. B. No 80 was adopted by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenberg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Crawford Dee, Dixon, Donaldson, Faust, Ferry Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Meunier, Murray, Myers, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods, Mr. Speaker—56.

Noes. Metlen, Newberry, Newton, Rossman, Sanden, Shanley—6.

Absent—Baker, Cannon, Donlan, Kilgallon, McTague, Thoroughman, Urquhart, Ward—8.

On motion of Hedges the amendments to all Sections of H. B. No 80 were adopted by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig Hedges, Hill Jensen, Jones, Lannin, Lehman, Lowney, MacGinnis Madden, Martin, McCone, McDonnell McDonnell, McIntyre, Metlen, Meunier, Murray, Myers, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—65.

Noes—Newberry.—1

Absent—Kilgallon, McTague., Urquhart, Ward—4.

## READING OF SENATE BILLS.

S. B. No 99 read 1" and 2" time

Moved by Jensen that S. B. No 99 be indefinitely postponed.

Substitute motion by Connor of Ravalli that S. B. No 99 be referred to Steering Committee.

Substitute motion carried.

Mr. Speaker signs S. B's No's 51, 37 and 31 in the presence of the House.

On motion of Faust S. Bill number 26 was read by title only.

S. B. No 26 read a third time and concurred in by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Dixon, Donaldson, Donlan, Faust, Fitzpatrick, Godfrey, Gregory, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson McIntyre, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Swindlehurst, Thoroughman, Toole, Ward, White, Wood, Mr. Speaker—51.

Noes—Axtell, Baggs, Dee, Ferry, Gilchrist, Hill, Jones, McTague, Murray, Quinn, Sullivan of Silver Bow,—11.

Absent—Baker, Cannon, Crawford, Fine, Geary, Kilgallon, Pendegrass, Urquhart—8.

Moved by Faust that the House take a recess until 12 o'clock M.

Motion Lost.



There being no objection the House returned to order of business No 3. Majority and Minority report from Judiciary Committee.

On motion of Hill the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United (States) Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, Feb. 28 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly should announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Courtney, Cullen, Hoffman, Mahon, Murray, Myers, Warner—10.

For Cooper—Conrow, Gruwell, Tierney—3.

For Conrad—Stanton—1.

For MacGinniss—Kennedy—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravali, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland Shanley, Stull—23

For Frank—Baker, Berkin, Brien, Cannon, Ferry, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Lewney, Madden, McDonald, McTague, Rosman, Sullivan of Lewis and Clarke, Thoroughman, White, Corbett—19.

For MacGinniss—Axtell, Connor of Cascade, Cram, Dec, Donaldson, Jensen, Lannin, McDonell, Meunier, Richardson, Ward—(11) 12.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst, Wood—6.

For Conrad—Adkins, Crawford, Pelletier, Pendergrass, Quinn, Sullivan of Silver Bow, Toole—7.

For Toole—MacGinniss—1.

Clements—Sanden—1.

Absent and not voting—Kilgallon and Urquhart—2.

The President announced the vote of the Joint Session as follows:

For T. H. Carter .....	32
" H. L. Frank .....	29
" John MacGinniss .....	12
" W. G. Conrad .....	8
" J. M. Clements .....	1
" Walter Cooper .....	9
Total .....	92

The President announced no one having received a majority of all votes cast there was no election.

Moved by Connolly that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

Moved by Toole that the majority report of the Judiciary Committee on S. B No 87 be adopted.

Substitute motion by Lannin that the House take a recess until 2.30 o'clock.

Motion: Lost by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Hill, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Ward—33.

Noes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravali, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Jones, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Stull, Swindlehurst, Toole, White, Wood, Mr. Speaker—35.

Absent—Kilgallon, Urquhart—2.

Moved by Lannin to lay Toole's motion on the table.

Motion: Lost by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Brein, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Geary, Hartwig, Jensen, Lannin, Lowney, MacGinnis, McDonnell (of Jefferson), Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Ward, White—29.

Noes—Adkins, Berkin, Bielenburg, Bourne, Brownlee, Cannon, Connor of Ravali, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Lehman, Madden, Martin, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Woods, Mr. Speaker—39.

Absent—Kilgallon, Urquhart—2.

Substitute motion by Stull for all pending motions that the Clerk read the two reports from the Judiciary Committee.

Motion: Lost.

On motion of Hill the House took a recess until 3 o'clock P. M. by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Brein, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Hill, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Ward, White, Wood, Mr. Speaker—37. (35.)

Noes—Adkins, Berkin, Bielenburg, Bourne, Brownlee, Cannon, Connor of Ravali, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Jones, Lehman, Madden, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Swindlehurst, Toole—31. (32)

Absent—Kilgallon, Metlen, Urquhart—3

Mr. Speaker declares the House adjourned until 3 o'clock P. M.

3 o'clock P. M.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Moved by Lannin that the order of the day be called for.

Substitute motion by Hedges that the majority and minority reports of the Judiciary Committee be read.

Moved by Stull that the previous question be taken up.

When Mr. Speaker put the motion Richardson raised to a point of order Mr. Speaker declares the point of order not well taken.

Richardson appealed to the House from the decision of the chair.

The appeal was lost by the following vote.

Ayes—Adkins, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Ward, White, Wood—48.

Noes—Axtell, Connor of Cascade, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, Lowney, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Shanley, Sullivan of Silver Bow—17.

Absent—Jones, Kilgallon, Urquhart—3.

Not voting—Myers, Mr. Speaker—(2)

Substitute motion of Hedges carried by the following vote.

Ayes—Adkins, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Pendergrass, Richardson, Roland, Rossman, Sanden, Shanley, Stull Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Woods, Mr Speaker—50.

Noes—Axtell, Baggs, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Jensen, Lannin, Lowney, MacGinnis, Martin, Meunier, Myers, Pelletier, Quinn, Ward—17.

Absent—Jones, Kilgallon, Urquhart—3.

Majority and Minority reports were read.

Helena, Montana, Feb'y 28, 1901.

Mr. Speaker: A minority of your Judiciary Committee, to whom was referred Senate Bill No. 87, beg leave to report that they have carefully considered the provisions of said bill, and regret that they cannot concur in the majority report in favor of its passage, in its present form, although some of its most pernicious features have been removed by amendments made in committee. But in our judgment there yet remains very serious objections to the measure, which ought to be removed by further amendment.

First: The bill in its present form authorizes the supreme court to change the place of trial of an action in case they decide that the judge of the court below is prejudiced. Change of judges and change of places of trial are two very different things, and are totally and wholly unconnected with each other. Changes of judges throughout the state are constantly taking place by mutual courtesy of our judicial officers, and such a change is one which is unaccompanied by any serious inconvenience to witnesses or costs to litigants; and is never an important matter so long as the judge who presides by the change is fair and able. But a change of place of trial is in most cases attended with very serious consequences to litigants. Considering the topography of the State of Montana, and the lack of direct communication by railway between the county seats of many of the counties, a change of place of trial, even if it were confined to sending the case to an adjoining county, might be attended with very serious consequences to litigants.

For example: Lewis and Clarke County adjoins Deer Lodge, Flathead and Teton; but to send a case from Helena to Anaconda, Deer Lodge, Kalispel, or Choteau for trial would manifestly impose enormous costs upon the litigants, and great inconvenience to witnesses. It is true this bill says "if necessary," but there never can be a necessity for changing the place of trial of a cause in this state on account of the prejudice of the judge. There are nearly a score of judges in the State of Montana, and Section 36 of the Code of Civil Procedure authorizes any one of them to hold court in any county in the state. And when requested by the governor so to do it makes it their imperative duty to change benches with any judicial brother; so that if the judge of any county is found to be disqualified by reason of kinship, prior employment in the cause, or prejudice, the judge of some other county can in all cases be required to attend at the court where the case is properly triable.



We, therefore, recommend that the words "including if necessary a change in the place of trial" in line 21 be stricken out, and lieu thereof the words "But in no case shall the supreme court change the place of trial" be substituted.

Second. The bill as amended provides that the motion for a change of judge on account of disqualification by reason of prejudice shall be made at any time before the case is set down for trial. It is the common experience of the bar that in the smaller counties of the state terms of court last frequently only a few days, and this motion being made on the morning of the day when cases are set down for trial would necessarily result in continuing the case over the term. There is no reason why the notice of such a motion should not be made as soon as the issues are joined in the case. This would, at least, enable the part opposing such motion to avoid the expense of securing his witnesses to be in attendance at that term of court in case the motion could not be heard and decided before the term commenced, and if heard and decided at chambers, a reasonable time before the first day of the term, an appeal could be taken and decided before the term commenced: so that litigants might not be compelled to attend a term of court with their witnesses, not knowing whether their case would be heard at that time or not: In the larger counties of the state the dockets are notoriously far behind, and there is no reason why the party who intends to make this motion should be permitted to conceal his intention for a couple of years and then spring his motion when the case is reached for setting, thus necessitating the placing of the cause at the heel of the docket. This bill in its present form provides that the supreme court may stay proceedings in the cause pending the appeal; if amendments be adopted remedying the foregoing objections, such a stay would never be necessary.

We, therefore, recommend that the words "at any time" in line 21, and lines 22 and 23, be stricken out.

Third. We believe that any error committed by the court below should be made to appear, by bill of exceptions, and unless the error is one which practically determines the litigation should be reviewed on appeal from the final judgment.

A defendant in a criminal case may ask for a change of judge on the ground of interest or prejudice; he may also move for a change of venue on the ground that an impartial trial cannot be had in the county in which the alleged crime was committed, on account of excitement and prejudice among the people; but he is not allowed immediate appeal from an order over-ruling his motion. In a civil case a party may move for a change of venue on several grounds, including the ground that an impartial trial cannot be had in that county on account of the prejudice of the people, but he is not allowed an appeal from the order over-ruling his motion upon any of these grounds; and this minority of your committee is unable to see any reason why it is so much more important that a litigant in a civil case should be more interested in having an appeal from an order denying a change of judges than from an order denying a change of venue; or why it is so much more important that this immediate appeal be given in a civil cause where nothing but property is involved, than in a criminal cause, where the life and liberty of a human being are at stake.

We, therefore, respectfully recommend that in addition to the amendments to said bill reported by the majority of this committee, the following amendment be likewise adopted:

Strike out all of the fifth sub-division commencing with the words "An order over-ruling the objections", found in lines 17 and 18 thereof, and in lieu thereof insert the following: "The ruling of the court when such application is on the ground of prejudice shall be deemed excepted to. The testimony shall be preserved by a bill of exceptions and shall constitute a part of the record upon any bill from judgment rendered in said cause; and if the supreme court shall be of opinion that the decision of the lower court was erroneous, it shall constitute reversible error and the supreme court may order the trial to be changed to any judge in the same county, if there be more than one department of the district court in such county, if if not, they shall require the judge of the court below to call into his house

(court) another judge to try said case, unless the parties shall stipulate what judge shall try the case.

Respectfully submitted,

GEORGE T. BAGGS, W. G. FITZPATRICK, JNO. MACGINNISS.

House of Representatives, February, 28, 1901.

Mr. Speaker: Your Judiciary Committee, to whom was referred S. B. No. 87, entitled: "A bill for an act to amend Section 180, of Title II, Chapter III, of the Code of Civil Procedure, of the State of Montana, relating to the disqualification of judges," begs to report as follows:

We recommend that said Bill be amended as stated in our report of the 26th inst.

We further recommend that said Bill be amended by the following additional amendments to wit:

In subdivision 5, insert after the words "prejudice and bias," in the first amendment to said subdivision, the words "if the ground of objection be prejudice or bias."

In subdivision 5, after the words "Clerk of the District Court," insert the following: "at any time before the case is set down for trial."

Strike out the word "and" at the end of line 14 also all of lines 15 and 16 and all of line 17, to and including the words "such objecions," (of the printed bill), and insert the following: "Upon filing such objections the printed bill). and insert the following: "Upon filing such objection the party filing the same shall within five days, and upon notice of not less than two days to the adverse party, apply to the court to fix a time for a hearing thereon; the court shall at once upon such application by order filed with the clerk fix such time, which shall not be less than five or more than ten days after the making of such order. At the time appointed for said bearing, the court shall hear said objections and such evidence, which shall be oral, offered in support of or in opposition to such objections as may be offered, and thereupon at once make an order sustaining or overruling such objections."

After the word "trial," in line 21, insert: "but neither party shall be entitled to more than one change in the place of trial on the ground of bias or prejudice."

We recommend that said bill as so amended do pass.

M. P. GILCHRIST, Chairman.

Moved by Toole that the House adopt the majority report.

Substitute motion by Myers that the House adopt the minority report.

The majority report was adopted by the following vote.

Ayes—Adkins, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—46.

Noes—Axtell, Baggs, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Quinn, Richardson, Roland, Rossman, Shanley, Ward—22.

Absent—Kilgallon, Uuquhart—2.

Substitute motion lost by the following vote.

Ayes—Axtell, Baggs, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Ward—24.

Noes—Adkins, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Pendergrass, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—44.

Absent—Kilgallon, and Urquhart.

Moved by Conner of Cascade that S. B. No 87 as amended be printed

Mr. Speaker puts the motion and states that it requires 1-3rd vote to carry it.

Toole appeals from the decision of the chair stating that it requires a majority vote to print a bill.

On motion of Lannin the appeal was tabled.

Connor of Cascade Co motion was carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, Meunier, Myers, Quinn, Richardson, Sanden, Swindlehurst, Ward, Mr. Speaker—28.

Noes—Bielenburg, Bourne, Brownlee, Cannon, Connor of Ravali, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Toole, White, Wood,—40.

Absent—Kilgallon and Urquhart—2.

Moved by Hedges that the printing committee be requested to report said bill at opening of the morning session

Substitute motion by Lannin to lay motion on the table.

Substitute motion lost.

On motion of Jensen the House adjourned until 11.00 o'clock A. M. to-morrow March 1st 1901.

ROGER E. SKELLY, Clk.

FRANK E. CORBETT Speaker

## FIFTY-FOURTH DAY

House of Representatives,  
Helena, Mt., March 2 (1), 1901.

House met pursuant to adjournment at 11 A M.,

Mr. Speaker in the Chair.

Roll Call.

Quorum present.

Prayer by Chaplain.

### NOTICES.

The notices of introduction of Bills were as follows:

By Brownlee: A Bill entitled, "An Act to Amend Section 3541 of Senate Bill No. 95 of the Session Laws of the Fifth Legislative Assembly of the State of Montana as the same is amended by an Act Approved March 8, of the year 1897, Being an Act entitled, "An Act to Amend Sections 3530, 3531, 3552, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, of Article II, Title VIII, Part III, of the Political Code of the State of Montana creating a State Arid Land Grant Commission, and Defining its powers and duties, and all Acts and parts of Acts Amendatory thereof, and to add thereto Sections 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3559 A, 3559 B, 3559 C, 3559 D, 3559 E, 3559 F, to provide for the guaranteeing by the State of Montana of all interest on all bonds already issued, or to be issued by the State Arid Land Grant Commission for whatever purposes under the provisions of the law, for the period of three years from the date of issue, to provide a fund for the prompt payment of the same.

### REPORTS OF STANDING COMMITTEES.

On motion of Ward H. B. No 30 was taken from the Steering Committee and referred to committee on apportionment.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 82, entitled: "A bill for an act relative to the powers and duties of



Justices of the Peace, and fixing their compensation on (in) certain townships," beg to report as follows:

We recommend that after Section 3 an additional section, to be numbered Section 4, be inserted, as follows:

Section 4: No person shall be eligible to the office of Justice of the Peace, as provided in Section 1 of this Act, who shall not be a male citizen of the United States, and learned in the law, and who shall not have been admitted to practice in the Supreme Court of the State of Montana.

We recommend that Sections 4 and 5 of the Bill as it now stands, be renumbered Sections 5 and 6.

We recommend that said Bill as amended do pass. M. P. GILCHRIST.

Moved by Ward that the report on S. B. No 82 be rejected.

Motion lost by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Lehman, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Swindlehurst, Toole, White, Wood, Mr. Speaker—43.

Noes—Adkins, Axtell, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, Lowney, MacGinnis, McDonnell of Jefferson, Meunier, Pelletier, Quinn, Richardson, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Urquhart, Ward,—25.

Absent—Kilgallon, Pendergrass.

Moved by Lannin that the report be laid on the table.

Motion: Lost.

S. B. No 82 as amended ordered engrossed.

Mr. Speaker:—Your Committee on Printing to whom was referred House Bills numbered 175, 174, 154, 58, 81, 155, 173 and amended Senate Bill No. 87, report the same back as cororectly printed. GEO. F. WHITE, Chairman.

Report accepted and placed on file.

House Bills Nos. 175, 174, 154, 58, 81, 155, 173, and S. B. No 87 referred to Steering Committee.

Mr. Speaker:Your Committee on Education met and discussed House Joint Concurrent Resolution No. 7 and beg leave to report that they recommend its passage. S. R. JENSEN, Chairman.

Report accepted and placed on file

House Joint Concurrent Resolution (No. 7) ordered printed.

Mr. Speaker: Your Committee on Engrossment report correctly engrossed House Bill No. 104 and amendments to Senate Bill No. 28.

B. F. MYERS, Chairman.

Report accepted and placed on file.

H. B. No 104 and S. B. No. 28 referred to Steering Committee.

Mr. Speaker: Your Committee on Education met and discussed H. B. No. 177 and they recommend its passage. S. R. JENSEN, Chairman.

Report accepted and placed on file.

H. B. No 177 ordered printed.

Mr. Speaker. Your Committee on Education met and discussed H. B. No. 164 and beg leave to report that they recommend its passage.

S. R. JENSEN, Chairman.

Report adopted and placed on file.

H. B. No 164 ordered printed.

Mr. Speaker. Your Committee on Education met to discuss S. B. No. 60 and (beg) leave to report that they recommend that it do not pass.

S. R. JENSEN, Chairman.

Report accepted and placed on file.

On motion of Baggs the report was adopted.

Mr. Speaker: Your Joint Committee on Conference relative to Senate Amendment to House Bill No. 41 beg leave to report that they have had the matter under consideration and have unanimously agreed and hereby re-

commend that the said amendment be not concurred in and that said Bill do pass without amendment.

GEO. H. STANTON,

Chairman of Senate Committee.

C. H. CONNOR, Chairman of House Committee

Report accepted and placed on file.

On motion of Baggs the report was adopted committee was discharged and H. B. No 41 ordered returned to the Senate.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Substitute for House Bill No. 169, introduced by Committee on Townships and Counties, A. Bill for an act to amend Section 13 of House Bill No. 24, An Act to create the County of Broadwater, define its boundaries and provide for its organization and government, passed by the fifth Legislative assembly of Montana, Approved February 9, 1894; and report it back with the recommendation that it do pass.

J. E. MARTIN, Chairman.

Report accepted and placed on file.

Substitute for H. B. No 169 ordered printed.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration House Bill No. 145 introduced by Swindlehurst. A Bill for an Act to extend the Boundaries of Park County, and to alter the boundaries of Sweet Grass County to conform thereto; and report it back with the recommendation that it be indefinitely postponed.

J. E. MARTIN, Chairman.

Report adopted and placed on file.

On motion of Baggs the report was adopted.

Mr. Speaker:—We your committee on Railroads & Transportation, having had under consideration Substitute for Senate Bill No. 61, entitled a Bill for an Act to prevent fires from railroad engines, and to provide a penalty for a violation thereof, beg leave to report the same back with recommendation that it be concurred in.

JOHN BERKIN, Chairman.

Report accepted and placed on file.

Substitute for S. B. No 61 Referred to Steering Committee.

Mr. Speaker:—We, your committee on Railroads and Transportation, having had under consideration House Bill No. 73, A Bill for an Act to Amend Sections 950, 951, 953, 954, 955, 956 and 958 of the Civil Code of Montana in reference to injury and to the killing of live stock by railroads, beg leave to report the same back with the recommendation that it do pass.

BERKIN, Chairman.

Report accepted and placed on file.

H. B. No 73, ordered printed.

Mr. Speaker: Your Committee on Townships and Counties have had under consideration Senate Bill No. 91, introduced by Murray. An Act to Amend Sections 4157, 4158, 4161, and 4165 of Chapter II, Title I., of Part IV, of the Political Code of the State of Montana, relating to the removal of County Seats; and report it back with the recommendation that we do concur with the Senate.

J. E. MARTIN, Chairman.

Report accepted and placed on file.

S. B. No 91, referred to Steering Committee.

Your Committee on Townships and Counties have had under consideration House Bill No. 169, introduced by Rosman. A Bill for an act Entitled an Act to Confer upon the County Commissioners of the County of Broadwater the same Power and Authority Conferred upon the County Commissioners of other Counties of the State of Montana, and report it back with the recommendation that further consideration of it be indefinitely postponed.

J. E. MARTIN, Chairman.

Report accepted and placed on file.

H. B. No. 169 was indefinitely postponed.

Mr. Speaker:—Your Committee on Mines and Mining to whom was referred Substitute for Senate Bill No. 7, introduced by Geiger, being a bill for an Act to amend Sections 3611 and 3612 of the Political Code of Montana relating to the location of Mining Claims and the making and filing (of) Declaratory Statements, beg leave to report the same back to the House with the recommendations that it do pass as concurred in.

MR. BERKIN, Acting Chairman.

Report accepted and placed on file.

Substitute for S. B. No 7 referred to Steering Committee.

Mr. Speaker: We, your Joint Committee on Conference relative to Senate Amendment to House Bill No. 100, beg leave to report that we have had said matter under consideration, and hereby recommend that the said Senate Amendment be not concurred in, and that said Bill do pass without amendment.

S. R. JENSEN, Chairman of House Committee.

C. W. HOFFMAN, Acting Chairman Senate Committee

Report accepted and placed on file.

On motion of Baggs the report was adopted and H. B. No 100 ordered sent to the Senate to be concurred in.

#### REPORT OF SELECT COMMITTEE.

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the 53rd Day and find the same correct and recommend that the Journal be approved as recorded and that the reading thereof be dispensed with.

ROSMAN, Chairman.

On motion of Swindlehurst the report was adopted as read.

On request of Pelletier the report of the Judiciary Committee on S. B. No. 74 be taken up and read before the House.

On motion of Pelletier the report was rejected and S. B. No 74 referred to Steering Committee

On motion of Baggs the House took a recess until 12 o'clock M.

House Resumes

Mr. Speaker in the Chair.

The Honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of voting for a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, March 1, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in Congress of the United States.

It was ordered that each member of the Joint Assembly should announce "viva voce" his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Courtney, Cullen, Hoffman, Mahon, Murray, Myers, Warner—10.

For Cooper—Conrow, Gruwell, Tierney—3.

Conrad—Stanton—1.

For MacGinniss—Kennedy—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Divon, Donlan, Faust, Godfrey, Gregory, Hedges, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Stanley, Stull, Jones—23.

For Frank—Baker, Berkin, Brien, Cannon, Cram, Donaldson, Fitzpatrick,



Geary, Gilchrist, Hartwig, Hill, Kilgallon, Madden, McDonnell, McTague, Rosman, Sanden, Toole, White, Corbett—20.

For MacGinniss—Axtell, Connor of Cascade, Dee, Jensen, Lannin, Meunier, Ward—7.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst, Thoroughman—6.

For Conrad—Adkins, Crawford, Ferry, Lewney, McDonald, Pelletier, Quinn, Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Urquhart, Wood—12.

For Toole—MacGinniss—1.

The President announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	32
“ H. L. Frank .....	30
“ W. G. Conrad .....	13
“ Walter Cooper .....	9
“ John MacGinniss .....	8
“ J. K. Toole .....	1

Total..... 93

The President announced no one having received a majority of all votes cast there is no election.

Moved by Baker that the Joint Session proceed to take another Ballot. Motion lost.

Substitute moved by Myers that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Substitute motion carried.

On motion of Meunier the House took a recess until 2.30 o'clock P. M.

2.30 o'clock P. M.

House Resumes

Mr. Speaker in the Chair.

Roll call

Quorum Present

#### REPORT OF SELECT COMMITTEES.

On reading the report of the Steering Committee Baggs raised to a point of order that the Steering Committee's report should come under order of business No 3.

Mr. Speaker declares the point of order not well taken.

Richardson raised to a point of order that there is a rule made by the House in regards to general orders that they be on each members desk in the morning.

Mr. Speaker declares that the point of order not well taken.

Moved by Toole that the reading clerk be instructed to read the report of the Steering Committee.

Motion carried by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravali, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Madden, McCone, McDonnell of Deer Lodge, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—43.

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell of Jefferson, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sullivan of Silver Bow, Ward—23.

Absent—Cram, Jones, Lehman, Pendergrass—4.

Moved by Connor of Cascade that the report be rejected

Substitute motion by Toole that the report be adopted.

Baggs raised to a point of order stating that the previous report of the Steering Committee was adopted.

The Speaker (overruled) the point of order.

Baggs appealed from the decision of the chair.

The chair was sustained by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Pelletier, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—47  
 Noes—Axtell, Baggs, Baker, Connor of Cascade, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Meunier, Myers, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Ward—19.

Absent—Cram, Jones, Lehman, Pendergrass.

Moved by Toole that the previous question be voted on.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—44.

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Ward—22.

Absent—Cram, Jones, Lehman, Pendergrass—4.

Moved by Jensen that the House adjourn until 11 o'clock tomorrow March 2nd 1901.

Motion Lost by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Madden, McCone, McDonnell (of Deer Lodge), McIntyre, Metlen, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—41.

Noes—Axtell, Baggs, Baker, Connor of Cascade, Dee, Donlan, Ferry, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Meunier, Myers, Pelletier, Quinn, Richardson, Sanden, Sullivan of Silver Bow, Ward—24.

Absent—Cram, Lehman, McTague, Thoroughman, Pendergrass—5

Moved that the report of the Steering Committee be adopted.

Motion Carried by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Madden, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—42

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Jensen, Lowney, MacGinnis, Martin, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow—23.

Not voting—Ward—1.

Absent—McCone, McDonnell (of Jefferson), Pendergrass & Thoroughman—5.

Moved by Lannin that another vote be taken on Toole's motion.

Substitute motion by Connor of Ravalli to table Lannin's motion.

Substitute motion Carried by the following vote

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan of Lewis and Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—43.

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Ward—25.

Absent—Thoroughman, Pendergrass—2.

Moved by Toole that we take a recess until 7:30 P. M.

Substitute by Baggs that the House adjourn until 11 o'clock tomorrow March 2nd 1901.

Substitute motion Lost by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Shanley, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, White, Wood, Mr. Speaker—39.

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Swindlehurst, Ward—28.

Absent—Pendergrass, Rossman, Thoroughman—3.

Substitute for all pending motions that the House adjourn until 10 o'clock tomorrow March 2nd 1901.

Substitute motion lost by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Kilgallon, Madden, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, White, Wood, Mr. Speaker—35.

Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Jensen, Jones, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Shanley, Sullivan of Silver Bow, Swindlehurst, Ward—31.

Absent—Lehman, Pendergrass, Rossman, Thoroughman—4.

The original motion to adjourn until 7:30 P. M. was carried by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Madden, McCone, McDonald, McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Shanley, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, White, Wood, Mr. Speaker—39.

Noes—Axtell, Baggs, Baker, Becker, Connors, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Swindlehurst, Ward—26.

Absent—Jones, Lehman, Pendergrass, Rosman, Thoroughman—5.

7:30 o'clock P. M.

House Resumes

Mr Speaker in the Chair.

Roll Call

Quorum Present.

First reading of Senate Bills.

Motion by Faust that S. B's be read by title only.

Motion Lost by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Stull, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—38.

Noes—Bagge, Baker, Connors, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, MacGinnis, Martin, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Ward—21.



Absent—Axtell, Becker, Connor of Ravalli, Hartwig, Jones, Kilgallon, Lowney, Metlen, Pendergrass, Sullivan of Lewis & Clarke, Shanley—11.

Moved by Ward that S. B's be read first and second time by title only, (Motion lost by the following vote.)

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—41.

Noes—Baggs, Baker, Becker, Conners, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, MacGinniss, Martin, Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Sanden, Sullivan of Silver Bow—23. Jones, Axtell—6.

Absent—Sullivan of Lewis & Clarke, Pendergrass, Lowney, Kilgallon. Moved by Meunier that the House adjourn until 11'00 tomorrow March 2nd 1901.

Motion lost by the following vote

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, Martin, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—42.

Noes—Baggs, Baker, Becker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, MacGinniss, Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan P. G., Thoroughman, Ward—21.

Absent Axtell, Hartwig, Jones, Kilgallon, Lowney, Madden, Pendergrass—7.

On reading of S. B. No 71 Dixon moved that further reading be dispensed with.

Substitute by Ward that the House adjourn untill 11 o'clock tomorrow March 2" 1901.

Substitnte lost by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—39.

Noes—Axtell, Baggs, Baker, Conners, Cram, Dee, Donaldson, Fine, Hartwig, Jensen, Lannin, Lowney, MacGinniss, Martin, Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan T. D. Sullivan P. G. Ward—25.

Absent—Cannon, Ferry, Jones, Kilgallon, Pendergrass and Thoroughman—6

Moved by Toole that the rules be dispensed with and the House go into the committee of the whole for consideration of General orders.

Motion Lost by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan T. D., Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—43.

Noes—Axtell, Baggs, Baker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, Lowney, MacGinniss, Martin, Meunier, Myers, Pelletier, Quinn, Richardson, Sanden, Sullivan P. G., Ward—23.

Absent—Jones, Kilgallon, Metlen and Pendergrass—4.

On reading of S. B. No 71 Toole made the following motion.

Mr. Speaker: I move that farther reading of bills be suspended, and that all rules of this house be suspended and that the house go into committee of the whole for consideration of General Orders.

TOOLE.

Point of order raised by Lannin in regards to Toole's motion.

The chair overruled the point of order.

Donaldson appealed to the House from the decision of the Chair.

The Chair's decision was sustained by the following vote

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonald, McDonnell, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan T. D., Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood.—43.

Noes—Axtell, Baggs, Baker, Becker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan P. G., Ward.—25.

Absent—McTague.

Not voting—Mr. Speaker.

Moved by Baker that Tool's motion be laid on the table.

Motion Lost by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Sullivan T. D., Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker.—12.

Noes—Axtell, Baggs, Baker, Becker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan P. G., Swindlehurst, Ward.—28.

On motion of Dixon the previous question was put by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonald, McDonnell, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan T. D., Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker.—45.

Noes—Axtell, Baggs, Baker, Becker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan P. G., Ward.—25.

On motion of Dee the Lobby was cleared.

Moved by Lannin that the House adjourn until 10 o'clock tomorrow March 2nd, 1901.

Motion Lost by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, McCone, McDonald, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Swindlehurst, Toole, White, Wood, Mr. Speaker.—39.

Noes—Axtell, Baggs, Baker, Becker, Conners, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell, Metlen, (Meunier), Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan T. D., Sullivan P. G., Thoroughman, Urquhart, Ward.—31.

Moved by McDonnell (of Deer Lodge), to law S. B. No 71 on the table. Motion Lost.

On motion of Kilgallon the house took a recess until 10 o'clock tomorrow March 2nd 1901.

ROGER E. SKELLY, Clk

FRANK E. CORBETT Speaker

## FIFTY-FIFTH DAY .

House of Representatives.

Helena, Mont March 2, 1901.

House met pursuant to adjournment at 10 oclock A. M.

Mr. Speaker in the chair.

Roll Call

Quorum Present

Prayer by the Chaplain.

## REPORTS OF STANDING COMMITTEE.

Mr. Speaker:—Your Committee on Engrossment report that amendments to Senate Bill No. 82, have been correctly engrossed and herewith return the same to the House. B. F. MYERS, Chairman.

Report accepted and placed on file

S. B. No 82 referred to Steering Committee.

Mr. Speaker:—Your Committee appoinfed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the fifty-fifth (54) Day and find the same correct and recommend that the Journal be approved as recorded. ROSMAN, Chairman.

On motion of Swindlehurst the report was adopted as read.

## READING OF SENATE BILLS.

Further reading of S. B. No 71 was continued, read 1st time.

Moved by Kilgallon that rules be suspended and S. B. No 71 be read a second time by title only.

Amendment by Axtell that S. B. No 71 be read a second time in full.

Amendment lost.

Original motion Carried.

S. B. No 71 read a second time by title and referred to Committee on Highways.

S. B. No 106 read a first and second time referred to Committee on Mines and Mining.

S. B. No 100 read 1" and 2" time referred to committee on privileges and elections

S. B. No 109 read 1" and 2" time referred to Committee on Agriculture and Stock.

Mr. Speaker:—Your Committee on Enrollment respectfully report that H. B's. No. 33 and 89, are correctly enrolled MACGINNISS, Chairman.

Mr. Speaker signs H B's Nos 33 and 89 in the presence of the House.

## THIRD READING OF SENATE BILLS.

On motion of Hedges S. B. No 65 was read a third time by title only.

S. B. No 65 read a third time and was concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell of Jefferson), McIntyre, McTague, Metlen, Mennier, Murray, Myers, Newberry, Newton, Patterson, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—Dee—1.

Absent—Dixon, Pelletier—2

S. B. No 64 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey,



Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes none.

Absent—Brownlee, Dixon, Pendergrass—3.

### INTRODUCTION OF BILLS.

McGinniss, Richardson and McDonnell (of Deer Lodge) each asked consent to introduce a bill without previous notice.

There being no objection the request was granted.

The following bills were introduced:

H. B. No. 182, by Brien: For an act entitled "An act to properly classify and label goods manufactured in any penitentiary in the United States and brought into Montana for sale.

H. B. No 183 by Brownlee An act to amend Section 3541 of Senate Bill No. 95 of the Session Laws of the Fifth Legislative Assembly of the State of Montana as the same is amended by an act approved March 8th of the year 1897, being an act entitled, "An act to amend Sections 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, of Article II, Title VIII, Part III, of the Political Code of the State of Montana creating the State Arid Land Grant Commission and defining its powers and duties and all acts and parts of acts amendatory thereof and to add thereto Sections, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3559A, 3559B, 3559C, 3559D, 3559E; to provide for the guarantee by the State of Montana of all interests on bonds already issued, and to be issued by the Arid Land Grant Commission for whatever purpose under the provisions of the law, for a period of three years from the day of issue, and to provide a fund for the prompt payment of the same.

H. B. No. 184, by Richardson: A Bill for an act entitled "An act to amend Section 4807, of Part 4, Title 3 of the Political Code of the State of Montana.

H. B. No. 185, by MacGinnis: A Bill for an act entitled an act to regulate primary elections.

H. B. No. 186, by McDonnell: A Bill for an act to amend Sections 749, 750 and 752 of the Penal Code of the State of Montana relating to ring and prize fights and boxing contests.

H. B. No. 187, by Hill: A Bill for an act entitled an act to require all bridges, culverts, flumes and other crossings over irrigating ditches, flumes and natural streams to be so constructed and maintained that the same will not interfere with or obstruct the flow therein, and providing a penalty for the violation thereof.

H. B. No. 188, by Committee on Ways and Means.

An act to provide for the support of the Government of the State of Montana for the fiscal years 1901 and 1902.

### READING OF HOUSE BILLS.

On motion of Faust H B's were read first and second time by title only.

H. B. No. 180, read first and second time. Referred to Committee on Railways and Transportation.

H. B. No. 182, read first and second time. Referred to Committee on Labor.

H. B. No. 183, read first and second time. Referred to Committee on Ways and Means.

H. B. No. 184, read first and second time. Referred to Committee on Affairs of Cities.

H. B. No. 185, read first and second time. Referred to Committee on Judiciary.

H. B. No. 186, read first and second time. Referred to Committee on Judiciary.

H. B. No. 187, read first and second time. Referred to Committee on Highways.

H. B. No. 188, read first and second time. Referred to Committee on Printing.

#### MESSAGES FROM THE GOVERNOR.

Message received and referred to Judiciary Committee.

#### MESSAGES FROM THE SENATE.

Helena, Montana, March 1, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bills Nos. 71, 106, 109, have been read third time and passed and are herewith transmitted for your concurrence.

That House bill No. 16 was read a third time and concurred in and is herewith transmitted.

That joint conference committee reports on H B Nos 41 & 100 were adopted

Respy C. A. WHIPPLE, Secy.

Helena, Montana, February 28, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bill No. 100 was read third time and passed and is herewith transmitted to the House for concurrence.

That House bill No. 14, House Joint Memorial No. 3 and House Joint Memorial No. 1 were read third time and concurred in and are herewith transmitted to the House.

Respy. C. A. WHIPPLE, Sec.

Helena, Montana, February 28, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Bills were introduced as follows:  
Senate Bill No 112

By Committee on Public Buildings. A bill for an act entitled an act to provide for submitting to the people the question of increasing the rate of taxation and issuing bonds of the State in an amount not to exceed \$300,000. for the purpose of raising money to purchase for the State an insane asylum and to provide for the purchase of the same.

Senate Bill 113. By Hoffman by request. A Bill for an act entitled an act to repeal sections 3100, 3101, 3003, 3114, and to amend sections 3106, 3107, 3108, 3109, and to add sections 3115, 3116, 3117, 3118, 3119, 3120, of the Political Code of the State of Montana relating to protection of forests, fish and game, and issuing permits to hunt, prescribing penalties for violations of the provisions thereof and enacting their provisions relating thereto.

House Bill No. 59. By Kilgallon. Read first and second time and referred to committee on Judiciary.

Respy C. A. WHIPPLE Secy

Helena, Montana, March 1, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

Senate Bill No. 114. By Hoffman: A bill for an act to amend section 1 of an act entitled an act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article 2, Chapter 12, Title 10 Part 3 of the Political Code a Section to be numbered 4084 regarding licenses.

Approved March 6, 1897. (Respectfully, C. A. WHIPPLE, Secretary.

Helena, Montana, March 1, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate bills Nos. 97, 101, 104, and 111 have been read a third time and passed and are herewith transmitted.

Respectfully,

C. A. WHIPPLE, Secretary.

Helena, Montana, March 1, 1901.

Mr. Speaker: I am directed( by the Senate to inform) your honorable body, That: Notice of introduction of Bills was given as follows:

By Conrow. A bill for an act entitled an act to increase the number of the Supreme Court Justices to five, and to provide for the appointment and

election and to fix the salaries of the Justices of the Supreme Court and to amend Section 12 of the Code of Civil Procedure, Respectfully,

C. A. WHIPPLE, Secretary.

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day, March 2nd at the hour of 11.15 A. M. delivered to His Excellency, the Governor, H. B. No. 45. "An Act Entitled, An Act to Provide an Additional Section to be Numbered 2958, to Article II, Chapter V, of Part III, Title VII, of the Political Code, Concerning the Duties of the Board of Stock Commissioners."

MACGINNISS, Chairman.

Report accepted and placed on file.

On motion of Axtell the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes

Mr Speaker in the chair.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of voting for a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, March 2, 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate and (when) the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Mahon, Tierney—4.

For Conrad—Stanton, Warner—2.

For MacGinniss—Kennedy—1.

Absent—Courtney.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenburg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Baker, Berkin, Brien, Cannon, Fitzpatrick, Gilchrist, Hartwig, Hill, Kilgallon, Madden, McDonnell, Rosman, Sanden, Sullivan of Lewis and Clarke, Toole, White, Wood, Corbett—18.

For MacGinniss—Axtell, Dee, Jensen, Lammie, Meunier, Ward—6.

For Cooper—Pine, Martin, Metlen, Myers, Swindlehurst—5.

For Conrad—Adkins, Connor of Cascade, Cram, Crawford, Donaldson, Ferry, Geary, Lewney, McDonald, McTague, Pelletier, Quinn, Richardson, Sullivan of Silver Bow, Thoroughman, Urquhart—16.

For Toole—MacGinniss—1.

Absent—Pendergrass—1.



The President announced the vote of the Joint Session as follows:

For T. H. Carter .....	32
" H. L. Frank .....	25
" W. G. Conrad .....	18
" Walter Cooper .....	9
" John MacGinniss .....	7
" J. K. Toole .....	1
Total .....	<hr/> 92

The President announced no one having received a majority of all votes cast there is no election.

Moved by Kennedy that the Joint Assembly do not (now) dissolve and the Senate retire from the Hall of the House.

Motion carried.

Moved by Roland that the House adjourn until 10'30 o'clock Monday March 4th 1901.

Substitute by Gilchrist that the House take a recess until 2.30 P. M.

Substitute motion carried.

2.30 o'clock.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present.

Mr. Speaker ordered House Joint Memorials Nos 1 and 3 and H. B.s No's 14 and 16 enrolled.

#### MOTION AND RESOLUTIONS.

Joint Resolution No 9 read a first time.

Moved by Cannon that the resolution be adopted.

Substitute motion by Dixon that resolution be laid on the table.

Substitute lost by the following vote.

Ayes—Adkins, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Fitzpatrick, Geary, Godfrey, Gregory, Hedges, McCone, McIntyre, McFague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, Ward, White—34.

Noes—Axtell, Baker, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lowney MacGinnis, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Sanden, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Wood, Mr. Speaker—32.

Absent—Jones, Lehman, Madden, Pendergrass—4.

Mr. Speaker referred H. J. Resolution No 9 to committee on Federal Relations.

On motion of McGinnis H. J. Resolution No. 9 was referred to Steering Com.

Mr. Speaker:—Your Committee on Enrollment respectfully report H. B. No. 80 as correctly enrolled. MACGINNISS, Chairman.

Report accepted and placed on file.

Mr. Speaker signs H. B. No 80 in the presence of the House.

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day, March 2 at the hour of 1.40 P. M. delivered to His Excellency, the Governor, H. B. No. 33.

An Act to provide for the investment of funds, derived from the sale of the Agricultural College lands or the timber thereon, and for the disbursement for the use of the Agricultural College of funds received from the lease of said lands. MACGINNISS Chairman.

Report adopted and placed on file.

House Joint Resolution No 10 read 1" and 2" time and referred to Ways and Means.

House Joint Resolution No 13 read 1" and 2" time referred to Judiciary Committee.

H. J. Memorial No 11 read 1" and 2" time referred to committee on Federal Relation.

H. J. Memorial No 15 read 1" and 2" time referred to Committee on Judiciary.

H. J. Memorial No 14 read 1" and 2" time referred to Committee on Ways and Means.

H. J. Memorial No 12 read 1" and 2" time referred to Committee on Labor.

Moved by Connor of Cascade to adjourn until Monday at 11. A. M. March 4, 1901.

Motion Lost.

Mr. Speaker: I move that when this House shall resolve itself into the Com. of the whole each side for and against any bill to be considered, shall be limited to one half hour each, for debate, and that upon the expiration of one hour, the Com. shall vote for or against the passage of the bill under consideration, Provided: That the Committee may vote upon the passage of the bill before the expiration of one hour if by a majority vote they so elect.

TOOLE.

Toole's motion was adopted by the following vote.

Ayes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravali, Crawford, Dee, Dixon, Donlan, Faust, Fitzpatrick Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Madden, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Mr. Speaker—41. (42)

Noes—Axtell, Baggs, Connor of Cascade, Cram, Donaldson, Ferry, Hartwig, Jensen, Lannin, Lowney, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Sanden, Sullivan of Silver Bow, Thoroughman, Ward—22.

Absent—Lannin, (Lehman,) Pendergrass & Woods—3.

Not voting—Baker, Fine, McGinnis—3.

Moved by Lannin that the House adjourn until Monday March 4th 1901

Motion Lost.

Moved by Dee that appropriation Bills be placed ahead of all others on General orders.

Motion Lost.

House of Representatives, Helena, Montana, March 1, 1901

Mr. Speaker: Your House Committee of the Joint Steering Committee beg to report that they have fixed the order of the consideration of Bills now on General Orders in the House, and the said Orders shall be as follows, until further ordered, to wit:

1. S. B. No. 87.
2. S. B. No. 85.
3. H. B. No. 160.
4. H. B. No. 161.
5. H. B. No. 65.
6. H. B. No. 143.
7. Deficiency Appropriation Bills, from 110 to 132.

M. P. GILCHRIST, Chairman House Steering Com.

C. W. HOFFMAN, Chairman Senate Steering Com.

The House resolved itself into the committee of the whole for consideration of General orders.

With Swindlehurst in the chair.

House Resumes

Mr. Speaker in the Chair.

Swindlehurst chairman of the Committee of the whole made the following report.

Mr. Speaker:—The Committee of the Whole having considered the Bills on General Orders beg leave to report as follows:—

1st. That we have considered Senate bill No 87 and recommend that it be concurred in as amended.

2nd. That we have considered Senate bill No. 85 and recommend that it be concurred in

3rd. That we have considered House Bill No. 160 and recommend that it do pass.

4th. That we have considered House Bill No. 161 and recommend that it do pass.

5th. That we have considered House Bill No 65 and recommend that it do pass.

6th. That we have considered House Bill No 143 and recommend that it do pass. SWINDLEHURST.

Moved by Dixon that the report be adopted as read.

Substitute motion by Lannin that (the House) adopt the report separately

Substitute motion carried.

Motion by Baker that the report on S. B. No 87 be rejected.

The motion was lost by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Quinn Richardson, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman.—26.

Noes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Kilgallon, Madden, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—40.

Absent—Jones Lehman, Pendergrass, Ward—4.

On motion of Toole the balance of the report was adopted as read.

On motion of Baggs the House adjourned until 11 o'clock Monday March 4th, 1901. ROGER E. SKELLY, Clk.

FRANK E. CORBETT, Speaker.

## FIFTY-SEVENTH DAY

House of Representatives.

Helena, Montana March 4th 1901.

House met pursuant to adjournment at 11 A. M.

Mr. Speaker in the Chair.

Roll call

Quorum Present.

Prayer by the Chaplain.

### PETITIONS.

Petitions from Mill and Smeltermens Union of Butte referred to steering committee.

Petitions from Railway organizations asking the Seventh Legislative to pass H. B. No 65.

Placed on file with the understanding that Richardson, can withdraw for reference.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker: Your Committee on Mines and Mining, having had under consideration Senate Bill No. 106, by Connolly, being a Bill for an Act entitled "An Act creating the office of Inspector of Coal Mines, defining his duties and providing his salary, and providing penalties therefor," report the same back with the recommendation that it do pass.

KILGALLON, Chairman.

Report accepted and S. B. No 106 referred to Steering Committee.

Mr. Speaker:—Your Committee on Printing, to whom was referred House Bill No's 134, 171, 165, and 162 respectfully report the same back as properly printed.

GEO. F. WHITE, Chairman.

Report accepted and H B's No's 134, 171, 165 and 162 referred to Steering Committee.



Mr. Speaker:—Your Committee on Printing, to whom was referred House Bills Nos. 167, 50, and 178, report the same back as properly printed.

GEO. F. WHITE, Chairman.

Report accepted and H. B's No's 167, 50 and 178 referred to Steering Committee

Mr. Speaker:—Your Committee on Highways having had under consideration Senate Bill No. 71, report the same back to the House with the recommendation that it do pass.

ROSMAN, Chairman.

Report accepted and S. B. No 71 referred to Steering Committee

Mr. Speaker: Your Committee on State Lands, to whom was referred S. B. No. 95, "A Bill for an act authorizing and regulating the leasing of State Lands for mining purposes," report same back for concurrence by the House.

GEORGE R. WOOD, Chairman.

Report accepted and Senate Bill No 95 referred to the Steering Committee

Mr. Speaker: Your Committee on State Lands, to whom was referred H. Jt. Mem. No. 5, by Sanden, "A Joint Memorial to the Congress of the United States to aid in the reclamation of the arid lands of the State," report same back with a recommendation that it do pass.

GEORGE R WOOD, Chairman.

Report accepted and H. Jt. Memorial No 5 ordered printed.

### REPORT OF SELECT COMMITTEE

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the 56 Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN, Chairman.

The report was adopted as read.

### THIRD READING OF HOUSE BILLS.

H. B. No 65 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Brien, Brownlee, Cannon, Connor of Cascade, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jeffers), McIntyre, McTague, Metlen, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Thoroughman, Toole, White, Wood. Mr. Speaker—54.

Noes—Becker, Bourne, Connor of Ravalli, Godfrey, Murray, Newberry, Newton, Patterson—9.

Absent—Lehman, Madden, Myers, Stull, Swindlehurst, Urquhart, Ward—7.

Moved by Richardson that H. B. No 65 be considered engrossed.

Motion carried by a unanimous vote before Mr. Speaker announced that H. B. No 65 had passed.

H. B. No 143 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, White, Wood. Mr. Speaker—62.

Noes none.

Absent—Lannin, Madden, Myers, Stull, Swindlehurst, Thoroughman, Urquhart, Ward,—8.

H. B. No. 160 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones,

Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—66.

Noes—None.

Absent—Madden, Stull, Urquhart, Ward—4.

H. B. No 161 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, (Cannon,) Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, (Murray,) Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—67.

Noes None.

Absent—Madden, Urquhart, Ward—3.

H. B. No 104 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, Urquhart, White, Wood, Mr. Speaker—68.

Noes None.

Absent—Madden and Ward—2.

### READING OF SENATE BILLS.

On motion of Faust, Senate Bills were read first and second time by title only.

S. B. No. 97 read 1<sup>st</sup> and 2<sup>nd</sup> time

Referred to Committee on apportionment and Representation.

S. B. No 111 read first and second time

Referred to Committee on Ways and Means.

S. B. No 104 read first and second time Referred to Steering Committee.

S. B. No 101 read first and second time Referred to Judiciary Committee.

### THIRD READING OF SENATE BILLS.

Moved by Baggs that S. B. No 87 be referred to engrossing committee with instructions that it be engrossed as soon as possible.

### JOINT SESSION.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of voting for a United States Senator.

### JOINT ASSEMBLY.

House of Representatives.

Helena, Montana, March 4 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

The minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes, of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Mahon, Tierney—4.

For Conrad—Stanton, Warner—2.

For MacGinniss—Kennedy—1.

Absent—Courtney.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Adkins, Berkin, Brein, Cannon, Cram, Crawford, Donaldson, Fitzpatrick, Gilchrist, Hill, Kilgallon, McDonnell, McTague, Pendergrass, Rosman, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Toole, Urquhart, White, Corbett—21.

For Conrad—Baker, Ferry, Geary, Hartwig, Lewney, McDonald, Pelletier, Quinn, Richardson, Sanden, Thoroughman, Wood—12.

For MacGinniss—Axtell, Conner of Cascade, Dee, Jensen, Lannin, Meunier—6.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst—5.

For Toole—MacGinniss—1.

Absent—Ward and Madden.

The President announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	32
“ H. L. Frank .....	28
“ W. G. Conrad .....	14
“ Walter Cooper .....	9
“ John MacGinniss .....	7
“ J. K. Toole .....	1

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The President announced no one having received a majority of all votes cast there is no election.

Moved by Biggs that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Motion carried.

On motion of McTague the House took a recess until 2'30 o'clock P. M.

2'30 o'clock P. M.

House Resumes

Roll Call

Quorum Present

Motion by Baggs to have Senate (Bill) No 87 engrossed was lost.

Moved by Faust that Senate Bill No 87 be read by title only.

Motion carried.

S. B. No 87 was read a third time and concurred in by the following vote.

Ayes—Adkins, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Lehman, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—42.



Noes—Axtell, Baggs, Baker, Becker, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Silver Bow—25.

Absent—Madden, Thoroughman, Ward—3.

S. B. No 43 read a third time and concurred in by the following vote.

Ayes—Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Dixon, Donaldson, Donlan, Faust, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallon, Lehman, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, White, Wood—48.

Noes—Adkins, Axtell, Connor of Cascade, Cram, Crawford, Dee, Ferry, Fine, Fitzpatrick, Geary, Hill, Lannin, Lowney, Pelletier, Pendergrass, Quinn, Sullivan of Silver Bow, Mr. Speaker—18.

Absent—Madden, Thoroughman, Ward, Baker—4.

Senate Bill No 85 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—65.

Noes—Roland—1.

Absent—Madden, McTague, Thoroughman, Ward—4.

#### INTRODUCTION OF BILLS.

The following bills were introduced without previous notice:

H. B. No. 189, by Committee on Appropriations. A Bill for an act entitled an act making appropriation for the incidental expenses of the Seventh Legislative Assembly.

H. B. No. 190, by Urquhart. A Bill for an act entitled an act appropriating money to pay (the) mileage traveled by the members of the House Special Committee to investigate the insane asylum at Warm Springs.

Hill was granted permission to introduce two appropriation Bills without previous notice.

#### READING OF HOUSE BILLS.

H. B. No 189 read first and second time referred to appropriation committee.

H. B. No 190 read first and second time referred to appropriations committee.

There being no objection the House returned to order of business No. 3.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker: Your Committee on Ways and Means to whom was referred Senate Bill No. 89, introduced by Judiciary Committee by request, entitled "An act to create a State Fiscal Agency in the City of New York and define its duties", beg to report the same back to the House with the recommendation that it be not concurred in, for the reason that we are informed by the Governor that the State (of Montana) has no need for a fiscal agency in the City of New York. MacGINNIS Chairman.

Report accepted and placed on file.

On motion of Lannin the report was adopted as read.

Mr. Speaker: Your committee on ways and means to whom was re-

ferred S. B. No. 111, beg to report the same back to the House with the recommendation that it be not concurred in. MacGINNISS Chairman.

Report accepted and placed on file.

On motion of Baker the report was adopted as read.

Mr. Speaker: Your Committee on Enrollment respectfully report that we have this day, March, 4 at the hour of 245 P M delivered to His Excellency, the Governor, H. B. No. 80. An Act to amend Section 4063 of the Political Code of the State of Montanaas the same is now in force after amendment by an act entitled, "An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a section to be numbered 4084, regarding licenses", approved March 6, 1897, and to amend Section 4064 of the Political Code of Montana, relating to licenses.

MacGINNISS Chairman.

Report accepted and placed on file.

Mr. Speaker: Your Committee on Mines and Mining, having had under consideration House Bill No. 159, by Sullivan of Lewis and Clarke, being a Bill for an Act entitled "An Act for the protection of patrons of smelters and sampling works", report the same back with the recommendation that it do pass.

KILGALLAN Chairman.

Report accepted

and H. B. No 159 ordered printed.

Mr. Speaker: Your Committee on Ways and Means to whom was referred House Bill No. 183, by Brownlee, report the same back to the House without recommendation.

MacGINNISS Chairman.

Report accepted and placed on file.

On motion of Metlen H. B. No 183 was indefinitely postponed.

#### MESSAGES FROM THE GOVERNOR (AND SENATE.)

Executive Office, Helena, Montana. March 4th., 1901.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have approved the following Bills:

House Bill No. 45, entitled, "An act to provide an additional section to be numbered 2958 to Article 2, Chapter 5, Page 3 of the Political Code concerning the duties of (the Board of) Stock Commissioners".

House Bill No. 99, entitled, "An act relative to the number of assistant and deputy county attorneys in counties of the first and second class and allowing county commissioners to fix the compensation thereof."

Very respectfully,

J. K. TOOLE Governor.

Helena, Montana, March 2, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bill No. 60 was indefinitely postponed and is herewith transmitted to the House, also that report of Joint Conference Committees on House Bills Nos. 41 and 100 were concurred in by the Senate and Bills are herewith transmitted. Respectfully, C. A. WHIPPLE Secretary.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bills were introduced as follows:

Senate Bill No. 115. By Kelly by request: A Bill to amend Section 3541 of Senate Bill No. 95 of the Session Laws of the Fifth Legislative Assembly of the State of Montana as the same is amended by an act approved March 8th of the year 1897, being an act entitled "An act to amend Sections 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, of Article 2, Title 8, Part 3 of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defining its powers and duties, and all acts and parts of acts amendatory thereof and to add thereto Sections 3548, 3549, 3550, 3551, 3552, 3553, 3556, 3557, 3558, 3559A, 2559B, 3559C, 3559D, 3559E, to provide for the guarantee by the State of Montana of all interest on bonds already issued, and to be issued by the State Arid Land Grant Commission for whatever purpose under the provisions of the law, for the period of three years from the date of issue, and to provide a fund for the prompt payment of the same.

Senate Bill No. 116. By Conrow: A bill for an act to increase the number of Supreme Court Justices to five, and to provide for their appointment and election and to fix the salaries of the Justices of the Supreme Court, and to amend Section 12 of the Code of Civil Procedure.

Respectfully,

C. A. WHIPPLE Secretary.

#### MOTIONS AND RESOLUTIONS.

Whereas the original Senate Bill No 87 according to the Record contained in the House Journal has never (been) amended by the House either in Committee of the Whole or elsewhere and the recommendations of even the majority Report of the Judiciary Committee as to amendments were not considered and made in Committee of the Whole but on the contrary a bill gotten up by the Printer with no official information as to what the amendments desired by this House were,

Therefore Resolved that the Chief Clerk be instructed to deliver to the Senate the bill considered by the Committee of the Whole instead of the original bill and be further instructed to prepare and deliver a certified copy of the House Journal so far as same records the history of S. B. 87 to any member of House or Senate requesting same that the matter may be susceptible of proof in Court hereafter.

MacGINNISS.

On motion the resolution was lost.

Resolution from the Silver Bow Trades and Labor Assembly, asking this assembly not to concur in S. B. (No) 87.

Moved by Lannin that the resolution be adopted.

Substitute motion by Hedges that the resolution be laid on the table.

Substitute motion carried

Moved by MacGinniss the we revert to order of business No 1.

Motion lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell of Deer Lodge, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Pendergrass, Roland, Rossman, Sanden, Sullivan of Silver Bow, Swindlehurst, Mr. Speaker—36.

Noes—Bielenburg, Bourne, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Sullivan of Lewis & Clarke, Toole, Urquhart, Ward, White, Wood—27.

Absent—Madden, Quinn, Richardson, Shanley, Stull, Thoroughman, Ward—7.

There being no objection the House reverted back to order of business No 3.

Mr. Speaker: Your Committee on Appropriations to whom was referred House Bill No. 189 appropriating ten thousand dollars for the contingent expenses of the Seventh Legislative Assembly, beg to report said Bill back to the House with the recommendation that it do pass.

EMERSON HILL, Chairman.

Report accepted and H. B. No. 189 ordered printed.

Mr. Speaker: Your Committee on Appropriations to whom was referred H. B. No. 190 appropriating ninety-nine dollars to pay the mileage of the members of the House Special Committee to investigate the insane asylum at Warm Springs, report said Bill back to the House with the recommendation that it do pass

EMERSON HILL, Chairman.

Report accepted and H. B. No 190 ordered printed.

The House resolved itself into the Committee of the whole for consideration of general orders.

Lannin in the Chair.

House Resumes

Mr. Speaker in the Chair.

Lannin Chairman of the Committee of the whole made the following report.



Mr. Speaker: Your Committee of the Whole, having considered H. B. No 110 recommend that said bill do pass.

Also H. B. No. 111.

H. B. No. 112.

H. B. No 113

H. B. No 114

H. B. (No) 115

H .B. No. 116

H B No 117.

H B No 118

H B No 119

H B (No) 120

H B (No) 121

H B No 122

H B (No) 123

H B (No) 124

H B No 125 and recommend that the enacting clause be stricken out.

H. B. No. 126, and recommend that the enacting clause be stricken out of

H. B. No. 127 and recommend for passage

H. B. (No) 128 and recommend for passage

H B No 129 and that

H. B. No 130 be reported back for correction, and that

H. B. No. 131 be recommended for passage

Also H B (No) 132, and that

H. B. No. 174

And H. B. No. 175 as amended do pass. CHARLES LANNIN Chairman.

Moved by Swindlehurst that the report be adopted except as to H. B. No 126.

Motion carried.

Moved by Jensen that the report as to H. B. No 126 be adopted.

Substitute motion by Patterson that the report as to H B. No 126 be rejected and H. B. No 126 be referred to steering com.

Substitute motion carried.

On motion of Lannin the House adjourned until tomorrow March 5th at 10'30 o'clock A. M.

ROGER E. SKELLY Clk

FRANK E. CORBETT Speaker

## FIFTY-EIGHTH DAY

House of Representatives.

Helena Mont. March 5th 1901.

House met pursuant to adjournment at 10.30 A. M.

Mr Speaker in the Chair.

Roll Call

Quorum Present.

Prayer by the Chaplain.

### PRESENTATION OF PETITIONS.

A remonstrance from the Silver Bow Trades and Labor Assembly asking this assembly not to concur in S. B. No. 87, and one asking this assembly to concur in S. B. No 82, by Kennedy.

Petitions were received and placed on file.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:—Your Committee on Enrollment report H. J. M.'s Nos. 1. and 3. and H. B's. No. 16, and 14 as correctly enrolled.

MacGINNISS Chairman.

Report accepted and placed on file.

Mr. Speaker:—Your Committee on Printing to whom was referred House

Bills numbered 188, 189, 190, Joint Concurrent Resolution No. 7, H. B. 169, H. B. 164, H. B. No. 181 and House Bill No. 177, report the same back as correctly printed, and (Sub for) H. B. No. 73 with the correction in the title, the word, "the" being repeated, the same having been erased.

GEO. F. WHITE Chairman.

Report accepted and House Bill's No's 188, 189, 190, Joint concurrent resolution No 7 H. B's No,s 169, 164, 181, 177, Sub for H. B. No 73 referred to Steering committee.

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the 57th Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN Chairman of Committee.

Report adopted as read.

Mr Speaker signs H. B. No 14 and 16. House Joint Memorials No's 1 and 3 in the presence of the House.

### THIRD READING OF HOUSE BILLS.

H. B. No. 110 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Becker, Berkin,, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood. Mr. Speaker—57.

Noes—None.

Absent—Baggs, Baker, Crawford, Dixon, Jensen, Madden, McTague, Meunier, Pendergrass, Richardson, Thoroughman, Urquhart and Ward—13.

House Bill No 111 Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Mad-den, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—58.

Noes—None.

Absent—Baggs, Crawford, Dixon, Donaldson, Gilchrist, Jensen, Meunier, Pendergrass, Richardson, Thoroughman, Urquhart and Ward—12.

H. B. 112 Read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—61.

Noes—None.

Absent—Baggs, Crawford, Gilchrist, Meunier, Patterson, Pendergrass, Thoroughman, Urquhart, and Ward—9.

H. B. No. 113 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Dee, Donaldson, Donlan Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton,

Patterson, Pelletier, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—(60).

Noes—None.

Absent—Baggs, Cram, Crawford, Dixon, Madden, Pendergrass, Richardson, Thoroughman, Urquhart, Ward—10.

H. B. No 114 read a third and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Jefferson, McIntyre, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—56.

Noes—None.

Absent—Baggs, Crawford, Dixon, Godfrey, Gregory, Jensen, Madden, McDonnell of Deer Lodge, McTague, Meunier, Pendergrass, Thoroughman, Urquhart, and Ward—14.

H. B. No. 115 was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Connor of Ravalli, Cram, Dee, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—65 (55)

Noes—None.

Absent—Baggs, Brownlee, Cannon, Connor of Cascade, Crawford, Dixon, Donlan, Godfrey, Lannin, Madden, Meunier, Pendergrass, Thoroughman, Urquhart, and Ward—15.

H. B. No 116 was read a third time and passed by the following vote.

Ayes—Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—54.

Noes—None.

Absent—Adkins, Baggs, Cannon, Crawford, Dixon, Godfrey, Gregory, Jensen, Madden, McTague, Meunier, Pendergrass, Richardson, Thoroughman, Urquhart, and Ward—16.

H. B. No 117, read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—58.

Noes—None.

Absent—Baggs, Crawford, Dixon, Gilchrist, Godfrey, Madden, McTague, Meunier, Pendergrass, Thoroughman, Urquhart and Ward—12.

H. B. No 118 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson,



McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossmann, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood—58.

Noes—None.

Absent—Baggs, Becker, Cannon, Crawford, Dixon, Madden, Meunier, Pendergrass, Thoroughman, Urquhart, Ward and Mr. Speaker—12.

H. B. No 119 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossmann, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood—61.

Noes—None.

Absent—Baggs, Dixon, Madden, Meunier, Pendergrass, Thoroughman, Urquhart, Ward and Mr. Speaker—9.

H. B. No. 120 was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossmann, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood—61.

Noes—none.

Absent—Baggs, Crawford, Dixon, Madden, Pendergrass, Thoroughman, Urquhart, Ward and Mr. Speaker—9.

#### COMMUNICATIONS FROM THE SENATE.

Mr. Speaker: I am directed by the Senate to ask that you appoint a Committee of (3) three, to act with a Senate Committee of like number relative to adjournment account of Death of Senator Courtney. Request is made that this Committee be appointed at once. Very Respectfully,

C. A. WHIPPLE Secretary.

Mr. Speaker appoints Baker of Lewis & Clarke, Lannin of Silver Bow, McIntyre of Flathead.

H. B. No 121 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—61.

Noes—None.

Absent—Baggs, Crawford, Dixon, Madden, Meunier, Pendergrass, Thoroughman, Urquhart and Ward—9.

H. B. No 122 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rosman, Sanden, Shan-

ley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—61.

Noes—None.

Absent—Baggs, Crawford, Dixon, Madden, Meunier, Pendergrass, Thoroughman, Urquhart and Ward—9.

H. B. No. 123 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—57.

Noes—None.

Absent—Baggs, Baker, Crawford, Faust, Gilchrist, Madden, McIntyre, Meunier, Pendergrass, Sanden, Thoroughman, Urquhart & Ward—13.

H. B. 124 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Crawford, Dee, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—59.

Noes—None.

Absent—Baggs, Cannon, Cram, Faust, Lannin, Lehman, Madden, Pendergrass, Thoroughman, Urquhart, Ward—11.

H. B. No 127 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—60.

Noes—None.

Absent—Baggs, Dixon, Donlan, Madden, Pendergrass, Thoroughman, Urquhart, Ward, Kilgallon, Lehman—10.

H. B. No 128 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods, Mr. Speaker—64.

Noes—None.

Absent—Baggs, Madden, Pendergrass, Thoroughman, Urquhart, Ward—6.

H. B. No 129 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier,

Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Woods, Mr. Speaker—64.  
Noes—None.

Absent—Baggs, Madden, Pendergrass, Thoroughman, Urquhart, Ward—6.  
H. B. No 131 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—63.

Noes—None.

Absent—Baggs, Baker, Madden, Pendergrass, Thoroughman, Urquhart, Ward—7.

H. B. No 132 read a 3rd time and passed by the following vote.

Ayes—Adkins, Axtell, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—63.

Noes—None.

Absent—Baggs, Baker, Madden, Pendergrass, Thoroughman, Urquhart, Ward—7.

Mr. Speaker:—Your Committee on Enrollment report H. B. No. 100, and 41, as correctly enrolled. MacGINNIS Chairman.

Mr Speaker signs H. B. No 41 and 100 in the presence of the House.

On motion of Roland the House took a recess until 12 o'clock M.

12 o'clock M.

House Resumes

Mr Speaker in the Chair.

The honorable, the Senate entered the House, were received and (thē Senate and) the House resolved themselves into a Joint Assembly for the purpose of voting for a United States Senator.

#### JOINT SESSION.

House of Representatives.

Helena, Montana, March 5 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.



For Frank—Biggs, Clark, Connolly, Cullen, Hoffman, Murray, Myers—7.

For Cooper—Conrow, Gruwell, Mahon, Tiernney—4.

For Conrad—Stanton, Warner—2.

For MacGinniss—Kennedy—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenburg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Berkin, Brein, Cannon, Cram, Gilchrist, Hill, Kilgallon, McDonnell, McTague, Rosman, Sanden, Sullivan of Silver Bow, Toole, Urquhart, White, Wood Corbett—17.

For Conrad—Adkins, Baker, Crawford, Donaldson, Ferry, Fitzpatrick, Geary, Hartwig, Lannin, Lewney, McDonald, Pelletier, Quinn, Richardson—14.

For MacGinniss—Axtell, Conner of Cascade, Dee, Jensen, Meunier, Sullivan of Lewis & Clarke, Ward—7.

For Cooper—Fine, Martin, Metlen, Myers, Swindlehurst—5.

For Toole—MacGinniss—1.

Absent—Madden, Pendergrass, Thoroughman—3.

The President announced the vote of the Joint Session as follows:

For: Thomas H. Carter .....	32
“ H. L. Frank .....	24
“ W. G. Conrad .....	16
“ Walter Cooper .....	9
“ John MacGinniss .....	8
“ J. K. Toole .....	1
Total .....	90

The President announced no one having received a majority of all votes cast there is no election.

Moved by Conrow that the Joint Assembly proceed to take another vote.

Substitute motion by Myers of Carbon that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Substitute motion carried by the following vote.

Ayes—Anderson, E. J.; Clark, W. A.; Connolly, Jerry; Cullen, T. P.; Geiger, J. H.; Hobson, S. S.; Hoffman, C. W.; Kelly, J. N.; McLean, Kenneth; Meyer, W. F.; Mitchell, S. L.; Murray, J. P.; Myers, H. L.; Phillips, B. D.; Warner, D. G.; Worden, Tyler—16.

Noes—Biggs, W. M.; Conrow, J. M.; Gruwell, C. O.; Kennedy, J. M.; Mahon, A. W.; Stanton, G. H.; Tierney, W. E.—7

Absent—Senator Courtney.

Noes—Baker, Berkin, Brein, Cannon, Cram, Fitzpatrick, Gilchrist, Hill, Martin, McTague, Metlen, Myers, Quinn, Rossman, Swindlehurst, White, Wood—17.

Ayes—Adkins, Axtell, Baggs, Becker, Bielenburg, Bourne, Brownlee, Connor of Cascade, Connor of Ravalli, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Geary, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, Urquhart, Ward, Mr. Speaker—50.

Absent—Madden, Pendergrass, Thoroughman—3.

On motion of Lannin the House took a recess until 2'30 o'clock P. M.

2'30 o'clock P. M.

House Resumes

Mr Speaker in the Chair.

Roll Call

Quorum Present.

#### FIRST READING OF SENATE BILLS.

S. B. No 114 read first and second time referred to Judiciary committee.

## MESSAGES FROM THE SENATE.

Helena, Montana, Mch 4 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate Bill No. 114 was read third time and passed, and is herewith transmitted for concurrence.

Respectfully,

X. K. STOUT Asst Secretary.

Helena, Montana, March 5, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bill No. 65 was read first and second time and rejected and is herewith transmitted.

That House amendments to Senate Bill No. 87 have been concurred in.

Respy

C. A. WHIPPLE Secretary.

Messages from the Senate accepted and placed on file.

Moved by Hedges that the vote on H. B. No 165 be reconsidered and placed on general orders.

Motion carried by the following vote.

Ayes—Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Gilchrist, Godfrey, Hedges, Jones, Kilgallon, Lehman, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray, Newton, Patterson, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, White, Wood—35.

Noes—Adkins, Axtell, Berkin, Connor of Cascade, Cram, Crawford, Dee, Ferry, Fine, Fitzpatrick, Geary, Gregory, Hartwig, Hill, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Newberry, Pelletier, Quinn, Richardson, Roland, Sullivan of Silver Bow, Swindlehurst, Mr. Speaker—30.

Absent—Donaldson, Madden, Pendergrass, Thoroughman, Ward—5.

On motion of McDonnell (of Jefferson), H. B's No's 13 and 147 were placed at the top of General orders.

Mr. Speaker: Your Committee on Engrossment report House Bill No. 174 correctly engrossed.

B. F. MYERS, Chairman.

## MESSAGES FROM THE SENATE.

Helena, Montana, March 5, 1901.

(Mr. Speaker:) I am directed by the Senate to inform your honorable body, That: House Bill No. 59 has been amended and concurred in as amended and is herewith transmitted to the House. Respectfully,

C. A. WHIPPLE, Secretary.

H. B. No 174 placed on third reading

McGinnis asked for unanimous consent to have H. B. No 188 considered in committee of the whole today.

Request was granted.

The House resolved itself into the committee of the whole for consideration of General Orders.

With Lannin in the chair.

House Resumes

Mr. Speaker in the chair.

Lannin chairman of the committee of the whole made the following report.

Mr. Speaker: Your Committee of the Whole, having considered H. B. No 13 recommended that it do pass as amended Also H. B. No 47 (147) as amended, and also H. B. No 188 and H. B. No. 126 as amended

LANNIN, Chairman

On motion of Lannin the report was adopted as read.

H. B's No's 13 and 147 ordered engrossed

H B's No's 126 and 188 Placed on third reading

Mr Speaker appoints Kilgallon Sullivan of Lewis & Clarke and Lannin a committee of three to confer with a like committee from the Senate on H. B. No 59.

Connor of Ravalli gave notice that he would call for a reconsideration on the vote of an amendment which was offered in the committee of the whole to H. B. No 147.

Moved by McTague that the House adjourn until tomorrow at 10,30 o'clock Mar 6, 1901.

Substitute motion by Lannin that the House take a recess until 7,30 this P. M.

Substitute motion carried.

7'30 o'clock P. M.

House Resumes

Mr. Speaker in the chair.

Roll Call

Quorum Present.

The House resolved itself into Committee of the whole for consideration of General Orders.

With Lannin in the Chair

House Resumes

Mr. Speaker in the chair.

Lannin chairman of the committee of the whole made the following report.

Mr. Speaker: Your Committee of the Whole having considered H B. No. 189 recommend that it do pass.

Also H B. No 190

H. B. " 158

H B " 138 as amended.

H B " 156

H B 31 as amended.

H B " 146

H B " 173

and that S B 104 be concurred in

S B " 47 be concurred in

S B " 106 be concurred in

C. LANNIN Chairman

On motion of Lannin the report was adopted as read.

H. B's No's 189, 190, 158, 156, 146 and 173 Placed on third reading.

H B's No's 138 and 31 as amended ordered engrossed and S B's No's 104 147 and 106 Placed on third reading.

Moved by Hedges that the House adjourn until 10 o'clock tomorrow March 6th, 1901.

Substitute motion by Baggs that the House adjourn until 9 o'clock tomorrow March 6th 1901.

Substitute motion Lost.

Original motion carried.

Mr. Speaker declared the House adjourned until tomorrow at 10' A. M. March 6th, 1901.

ROGER E. SKELLY, Cf Clk

FRANK E. CORBETT Speaker

## FIFTY-NINTH DAY

House of Representatives.

Helena Mont March 6, 1901.

House met pursuant to adjournment at 10 A. M.

Mr Speaker in the chair.

Roll Call

Quorum Present

Prayer by the Chaplain.

### REPORTS OF STANDING COMMITTEES.

Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 185, entitled: "A bill for an act entitled 'An act to regulate primary elections,'" beg to recommend that said Bill be indefinitely postponed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

H. B. No 185 was indefinitely postponed.



Mr. Speaker: Your Judiciary Committee, to whom was referred H. B. No. 186, entitled: "A bill for an act to amend Sections 749, 750 and 752, of the Penal Code of the State of Montana, relating to ring and prize fights and premeditated contests, and boxing matches," beg to report said Bill back without recommendation.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

H. B. No 186 ordered printed.

Mr. Speaker: Your Committee on Appropriations, to whom was referred House Bill No. 163, by C. H. Connor, being a Bill for an Act entitled an Act authorizing the publication and distribution of one hundred thousand copies of the report of the Bureau of Agriculture Labor and Industry of the year 1900, and appropriating money for the payment of the same, beg to report said Bill back to the House with the recommendation that it be indefinitely postponed.

EMERSON HILL, Chairman.

Report accepted and placed on file

H. B. No 163 was indefinitely postponed.

Mr Speaker your committee on highways having had under consideration H B No. 187 report the same back with the recommendation that it do pass

ROSMAN, Chairman.

Report accepted and placed on file.

H B. No 187 ordered printed.

Mr. Speaker: The Judiciary Committee reports that it has considered Joint Resolution No. 15, introduced by Donaldson, and we recommend that said Joint Resolution be indefinitely postponed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

House Joint Resolution No 15 was indefinitely postponed.

Mr. Speaker: The Judiciary Committee reports that it has considered Joint Resolution No. 13, introduced by Ward, the same being in regard to fires in the coal mines of Wyoming and elsewhere, and we recommend that said Joint Resolution be indefinitely postponed.

M. P. GILCHRIST, Chairman

Report accepted and placed on file.

House Joint Resolution No 13 was indefinitely postponed.

Mr. Speaker: Your Committee on Judiciary reports that it has had under consideration House Bill (Joint Memorial) No. 8, introduced by McTague, the same being in regard to the prohibition and regulation of Chinese and Japanese emigration, and we recommend that said Memorial be passed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

Moved by Dee that House Joint Memorial No 8 be considered printed and placed on third reading.

Motion was unanimously carried.

Mr. Speaker: The Judiciary Committee (reports) that it has considered the claim of Daniel McKay, Sergeant-at-Arms of this House, for \$15.70, for serving subpoenas in the matter of the Meat and Milk Bill investigation, and we recommend that said claim be referred to the Committee on Appropriations.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

Mr. Speaker: The Judiciary Committee reports that it has considered the message from his Excellency the Governor, of date February 28, 1901, in regard to the Centennial of the Lewis & Clarke Expedition, to be held at Portland during the year 1905, and we recommend that said message be placed on file in this House.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

Mr. Speaker: Your Committee on Judiciary reports (that it has considered) House Joint Memorial No. 6, introduced by Hedges, the same being in regard to the Torrens Land System, and we recommend that said Memorial be passed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

Moved by Hedges that House Joint Memorial No 6 be considered printed and placed on third reading.

Motion carried unanimously.

Mr. Speaker: The Judiciary Committee reports that it has had under consideration S. B. No. 98, entitled: "An act to amend Section 1236 of the

Code of Civil Procedure relating to the redemption of real property," and we recommend that said Bill be indefinitely postponed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

S. B. No. 98 was indefinitely postponed.

Mr. Speaker: Your Committee on Judiciary reports that it has considered S. B. No. 101, entitled: "A bill for an act to amend Chapter 1, of Title 13, of Part 2, of the Code of Civil Procedure of Montana relating to appeals to the Supreme Court by adding thereto Section 1745," and we recommend that said Bill be incurred in and passed.

M. P. GILCHRIST Chairman.

Report accepted and placed on file.

S. B. No 101 referred to steering committee.

Mr. Speaker: Your Committee on Judiciary, to whom was referred H. B. No. 176, entitled: "A bill for an act to amend subdivision 5, Section 3701, of the Political Code of the State of Montana, relating to the assessment of property," beg to say that we report said bill back with the recommendation that it be indefinitely postponed.

M. P. GILCHRIST Chairman.

Report accepted and placed on file.

Moved by Lannin that the report as to H. B. No 176 be laid on the table and bill ordered printed.

Motion carried.

Moved by Lannin that H. B. No 176 go to Steering Committee.

Motion carried.

#### REPORT OF SELECT COMMITTEE.

Mr. Speaker We your committee on conference agree with the Senate committee to accept (said) amendment and we recommend that the same be sent to the Enrolling Committee forthwith.

KILGALLON, LANNIN, SULLIVAN,

Report accepted and placed on file.

Moved by Dee that the report be adopted and amendment be concurred in.

Motion carried by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Brein, Connor of Cascade, Crani, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Gilchrist, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell of Deer Lodge, McDonnell of Jefferson, Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, White, Wood, Mr. Speaker—42.

Noes—Becker, Bielenburg, Bourne, Brownlee, Cannon, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Hedges, Lehman, Madden, McCone, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Rossman, Shanley, Stull, Toole—24.

Absent Geary, Gregory, Urquhart and Ward—4.

Moved by Baggs, that the House return to order of business No 9.

The motion was lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Connor of Cascade, Crani, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell of Jefferson, Metlen, Meunier, Myers, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Ward, White, Wood—42.

Noes—Bielenburg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, Madden, McDonnell of Deer Lodge, McIntyre, McTague, Murray, Newberry, Patterson, Rossman, Shanley, Stull, Mr. Speaker—23.

Absent Geary, McCone, Thoroughman, Toole, Urquhart—5.

Mr. Speaker: Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the 58th Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN, Chairman of Committee.

Report adopted as read.

## THIRD READING OF HOUSE BILLS.

House Joint Memorial No 8 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—59.

Absent Bourne, Dixon, Geary, Gregory, Lehman, McTague, Pendergrass, Shanley, Thoroughman, Urquhart and Ward—11.

Moved by Swindlehurst that all Bills (except appropriation Bills) be read a third time by title only.

Motion carried

House Joint Memorial No 6 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, White, Wood, Mr. Speaker—62.

Noes none.

Absent Geary, Lehman, Madden, Pendergrass, Sullivan of Silver Bow, Thoroughman, Urquhart, Ward—8.

H. B. No 190 was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Fitzpatrick, Geary, Godfrey, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—58.

Noes—Bielenberg & Hedges—2

Absent—Berkin, Bourne, Crawford, Dixon, Ferry, Fine, Gilchrist, Gregory, McCone & Thoroughman—10.

H. B. No 189 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonald, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood—63.

Noes Mr. Speaker.

Absent Berkin, McIntyre, Pendergrass, Thoroughman, Urquhart, Ward—6.

H. B. No 173 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer



Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—60

Noes none.

Absent—Dixon, Donlan, Fine, Madden, McDonnell (of Jefferson), Pendergrass, Sullivan of Lewis and Clarke, Thoroughman, Urquhart, Ward—10.

H. B. No 158 read a third time and Lost by the following vote.

Ayes—Baggs, Berkin, Brein, Brownlee, Cram, Crawford, Dee, Donaldson, Ferry, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Lewney, Meunier, Myers, Roland, Sullivan of Lewis & Clarke, White—20.

Noes—Adkins, Axtell, Baker, Becker, Bielenburg, Bourne, Cannon, Connor of Cascade, Connor of Ravali, Dixon, Donlan, Faust, Fitzpatrick, Godfrey, Gregory, Hedges, Jones, Lannin, Lehman, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Murray, Newberry, Newton, Patterson, Richardson, Sanden, Shanley, Stull, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, Wood, Mr. Speaker—40

Absent—Fine, Geary, McGinniss, Madden, Pelletier, Pendergrass, Quinn, Thoroughman, Urquhart—8. (Rossman 10)

H. B. No 146 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—61.

Noes none.

Absent Fine, Geary, McIntyre, Pelletier, Pendergrass, Quinn, Thoroughman, Urquhart, Ward—9.

H. B. No. 156 read a third time and passed by the following vote.

Ayes—Axtell, (Baker), Becker, Berkin, Brein, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Donaldson, Donlan, Faust, Ferry, Geary, Gilchrist, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Richardson, Rossman, Sanden, Shanley, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Urquhart, Ward, White, Wood, Mr. Speaker—43.

Noes—Adkins, Bielenburg, Bourne, Brownlee, Dee, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Godfrey, Gregory, Madden, McTague, Myers, Patterson, Stull, Swindlehurst—16.

Absent—Baggs, Dixon, Fine, McGinniss, McCone, Pelletier, Pendergrass, Quinn, Roland, Thoroughman, Toole—11.

H. B. 188 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—64.

Noes none.

Absent—Dixon, Fine, MacGinniss, McIntyre, Pendergrass, Thoroughman—6.

H. B. No 126 read a third time and passed by the following vote.

Ayes—Adkins, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravali, Crawford, Dee, Donaldson, (Donlan), Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, Lowney, Madden, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague.

Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—58.

Noes—Axtell, Lannin—(2.)

Absent—Berkin, Cannon, Dixon, Fine, MacGinnis, McCone, Pendergrass, Quinn, Swindlehurst, Thoroughman—10.

H. B. No. 174 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—52.

Noes none.

Absent—Berkin, Dixon, Fine, Hill, McGinnis, Pendergrass, Quinn and Thoroughman—8.

### THIRD READING OF SENATE BILLS.

S. B. No. 106 read a third time and was concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—66.

Noes none.

Absent—Dixon, Fine, Pendergrass, Thoroughman—4.

The honorable, the Senate entered the House, were received and the Senate and the House resolved themselves into (a) Joint Assembly for the purpose of voting for U(nited) S(tates) Senator.

### JOINT SESSION.

House of Representatives.

Helena, Montana, March 6 1901.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

Minutes of the (previous) Joint Session were read and approved.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a U(nited) S(tates) Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call th roll of the Senate, when the following vote was announced.

Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

Frank—Biggs, Clark, Connolly, Cullen, Hoffman, Mahon, Murray, Myers, Warner—9.

Cooper—Conrow, Gruwell, Tierney—3.

Conrad—Stanton—1.

MacGinniss—Kennedy—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntire, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

Frank—Baker, Berkin, Brein, Cannon, Cram, Donaldson, Ferry, Fitzpatrick, Gilchrist, Hill, Kilgallon, Madden, McDonnell, McTague, Rosman, Sanden, Toole, Urquhart, White, Wood, Corbett—21.

Conrad—Adkins, Conner of Cascade, Crawford, Geary, Hartwig, Lannin, Lewney, McDonald, Pelletier, Quinn, Richardson—11.

MacGinniss—Axtell, Dee, Jensen, Meunier, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Ward—7.

Cooper—Fine, Martin, Metlen, Myers, Swindlehurst—5.

Toole—MacGinniss—1.

Absent—Pendergrass, Thoroughman—2.

The President announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	32
“ H. L. Frank .....	30
“ W. G. Conrad .....	12
“ Walter Cooper .....	8
“ John MacGinniss .....	8
“ J. K. Toole .....	1

Total ..... 91

The President announced no one having received a majority of all votes cast there is no election.

Moved by Mr. Speaker that the Joint Assembly (do) now adjourn to meet at 2. P. M.

Substitute Moved by Phillips that the Joint Assembly do now dissolve and the Senate retire from the body of the House.

Substitute Motion carried.

On motion of Fitzpatrick the House took a recess until 2'30 P. M.

2'30 o'clock P. M.

House Resumes

Mr. Speaker in the Chair.

Roll Call

Quorum Present

### THIRD READING OF SENATE BILLS.

S. B. No. 147 was read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Brownlee, Cannon, Conner of Cascade, Conner of Ravalli, Cram, Dee, Donaldson, Donlan, Faust, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Kilgallon, Lannin, Lowney, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McTague, Metlen, Meunier, Newton, Patterson, Quinn, Richardson, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—36.

Noes none.

Absent—Baker, Bourne, Brein, Crawford, Dixon, Ferry, Jones, Lehman, MacGinniss, Madden, McCone, McIntyre, Murray, Myers, Newberry, Pelletier, Pendergrass, Roland, Rossman, Sanden, Shanley, Stull, Thoroughman and Ward—24.

S. B. No 104 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Conner of Cascade, Conner of Ravalli, Cram, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers,



Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—65.

Noes none

Absent—Crawford, Godfrey, Jensen, Pendergrass and Thoroughman—5.

Unanimous consent was granted to return to order of business No 3.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker: Your Committee on Engrossment to whom was referred House Bills No's 13, 175 and 31, report the same back as correctly engrossed.

B. F. MYERS Chairman.

Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bills No. 138 and 147 report the same back as correctly engrossed.

B. F. MYERS Chairman.

Unanimous consent was granted to place H. B's No's 13, 175, 31 138 and 147, on third reading.

#### THIRD READING OF HOUSE BILLS.

H. B. No 138 was read a third time and passed by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hedges, Hill, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—57.

Noes none

Absent—Adkins, Bourne, Connor of Cascade Co., Crawford, Dee, Godfrey, Jensen, Hartwig, Myers, Newberry, Pendergrass and Thoroughman (Lehman)—13.

House Bill No 31, read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes none

Absent—Bourne, Pendergrass, Thoroughman—3.

H. B. 147 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Lannin, Lehman, Lowney, McCone, McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Patterson, Pelletier, Quinn, Richardson, Roland, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—57.

Noes—Ferry, Jensen, Jones, MacGinnis, Martin, Myers, Newberry, Newton, Rossman—9.

Absent—Bourne, McDonnell (of Deer Lodge), Pendergrass and Thoroughman—4.

H. B. No 13 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Kilgallon, Lannin, Lehman,

Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—61.

Noes—Jensen, Jones, Myers, Rossman—4.

Absent—Bourne, Pendergrass, Roland, Sullivan of Silver Bow, Thoroughman—5.

H. B. No 175 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Dee, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Gilchrist, Gregory, Hartwig, Hedges, Jensen, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, Urquhart, White, Wood, Mr. Speaker—56 (54)

Noes none

Absent—Bourne, Cram, Crawford, Faust, Geary, Godfrey, Hill, Jones, Kilgallon, Madden, McDonnell (of Jefferson), Myers, Pendergrass, Swindlehurst, Thoroughman, Ward—14.

#### INTRODUCTION OF BILLS.

The following Bill was introduced:

H. B. No. 191, by Committee on Education. A Bill for an act entitled an act to amend Section 1940 A. and 1940 B. of the Political Code of Montana through S. B. No. 24, approved March 8th, 1897 in reference to general and special taxes for school purposes and to repeal Section 1941 of the Political Code of Montana.

H. B. No. 191 read first and second time.

Motion by Jensen that H. B. No 191 be considered printed and go to steering committee.

Substitute motion by Dixon that H. B. No 191 be ordered printed with instructions to report as soon as possible.

Substitute motion carried.

#### MESSAGES FROM THE SENATE AND GOVERNOR.

March 1901.

To the Speaker of the House of Representatives, State of Montana:

I have the honor to inform the House of Representatives that I have approved H B No. 80, entitled. "An act to amend section 4063 of the Political Code of the State of Montana as the same is now in force after amendment by an act entitled 'An act to amend sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of the State of Montana, and to add to Article 2, Chapter 12, Title 10, Part 3 of the Political Code a section to be numbered 4084, regarding licenses; approved March 6th., 1897, and to amend section 4064 of the Political Code of Montana, relating to licenses.'"

House Bill No. 16, entitled. "An act to amend sections 1331, 1334 and 1337, Article 2, Chapter 8, Title 2, Part 3 of the Political Code of the State of Montana, relating to primary meetings (elections,))"

House Joint Memorial No. 1, entitled. "For the relief of certain settlers upon the Lewis & Clarke Forest Reserve of Montana.

House Joint Memorial No 3 entitled "for the relief of settlers within the Lewis & Clarke Forest Reserve and praying for their relief by the survey of certain lands and having same thrown open for settlement."

Very Respectfully, J. K. TOOLE, Governor.

#### COMMUNICATION FROM THE SENATE.

Helena, Montana, March 5, 1901.

Mr. Speaker: I am directed by the Senate to inform your honorable body that the President has appointed Senators Conrow, Warner and Kennedy as members of the Joint Enrolling committee as per Joint rule 12

Respy C. A. WHIPPLE Secy.

Moved by Dixon that when the House resolves itself into the committee of the whole they take up for consideration H. B's No's 68, 8 and 79 S B's No's 76, 71, 99, and 74.

Motion Carried by Ayes—53. Nces—6.

Mr. Speaker signs S. B. No 87 and 85 in the presence of the House.

#### HOUSE CONCURRENT RESOLUTION.

Be it Resolved, By the House, the Senate concurring, that a committee of three Senators be appointed by the President and three Representatives be appointed by the Speaker of the House and that said joint committee so appointed be authorized and directed to fix the time of final adjournment of the Seventh Legislative assembly of the State of Montana.

SWINDLEHURST

Resolution adopted.

Mr. Speaker appointed Swindlehurst, Stull and Lannin.

#### REPORT OF STANDING COMMITTEES

Mr. Speaker:—Your Committee on Printing, to whom was referred H B No. 191 report the same back as properly printed.

GEO. F. WHITE, Chairman.

Report accepted and placed on file.

H. B. No 191 referred to Steering Committee.

The House resolves itself into the committee of the whole for consideration of General Orders.

Lannin in the chair.

House resumes

Mr Speaker in the chair.

Lannin chairman of the committee of the whole made the following report

Mr. Speaker Your Committee of the Whole, having considered H B No. 68, recommend that it do pass.

Also H. B. No. 8.

And that S. B. No. 76 S. B. No. 71 be concurred in

And S. B. No. 99 be concurred in as amended

S. B. No. 74 be concurred in as amended.

And H. B. (No.) 79 do pass.

CHAS. LANNIN Chairman.

On motion of Lannin the report was adopted as read.

H. B's No's 68, 8 and 79, and S. B. No's 76 and 71 Placed on third reading.

S B's No's 74 and 99 as amended ordered engrossed.

Mr. Speaker:—Your Committee on Enrollment report H. B. No. 59, as correctly enrolled.

MacGINNIS, Chairman.

Report accepted and placed on file.

Mr. Speaker signs H. B. No 59 in the presence of the House.

Moved by Baker that the House adjourn until tomorrow at 10'30 A. M. March 7, 1901.

Substitute motion by Godfrey that the House take a recess until 0:00 tonight.

Substitute motion carried.

8 o'clock

House Resumes

Mr Speaker in the chair.

Roll Call

Quorum Present

Moved by Dixon that the House return to order of business No 5

Motion carried—Ayes 55.

#### THIRD READING OF HOUSE BILLS.

Moved by Swindlehurst that third reading of H. B's be by title only.

Motion was carried by a unanimous vote.

H. B. No 8 read a third time and was lost by the following vote.

Ayes—Axtell, Brein, Cannon, Connor of Cascade, Cram, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, Mc-



Donnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, White, Wood, Mr. Speaker—(43)

Noes—Baggs, Bielenburg, Bourne, Connor of Ravalli, Dee, Godfrey, Hedges, Lehman, McCone, Newberry, Newton, Patterson, Swindlehurst—14.

Absent—Adkins, Baker, Becker, Berkin, Brownlee, Crawford, Faust, Madden, McTague, Pendergrass, Thoroughman, Urquhart, Ward—13.

Dee gives notice of reconsideration of vote on H. B. No 8

H. B. No 79 was read a third time and passed by the following vote.

Ayes—Axtell, Baggs, Becker, Bielenburg, Bourne, Brein, Cannon, Connor of Cascade, Cram, Dee, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Jefferson), McIntyre, McTague, Myers, Newberry, Patterson, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—48.

Noes—Connor of Ravalli, McDonnell (of Deer Lodge,) Murray, Newton, Rossman, Stull—6.

Absent—Adkins, Baker, Brownlee, Crawford, Dixon, Faust, Godfrey, Lehman, Madden, Metlen, Meunier, Pendergrass, Shanley, Thoroughman, Urquhart, Ward—16.

H. B. No. 68 read a third time and passed by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Dee, Dixon, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—57.

Noes none

Absent—Adkins, Berkin, Brownlee, Crawford, Donaldson, Faust, Lehman, Madden, Metlen, Thoroughman, Urquhart, Ward—13.

Moved by Dee that the House reconsider vote on H. B. No 8.

Motion carried by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Bielenburg, Brein, Cannon, Connor of Cascade, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge,) McDonnell (of Jefferson), McIntyre, McTague, Meunier, Murray, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, Toole, White, Wood, Mr. Speaker—55.

Noes—Bourne, Connor of Ravalli, Hedges, Patterson, Shanley—5.

Absent Adkins, Berkin, Brownlee, Faust, Lehman, Madden, Metlen, Myers, Urquhart, Ward—10.

H. B. No 8 read a third time and passed by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Brein, Cannon, Connor of Cascade, Cram, Crawford, Dee, Dixon, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Meunier, Myers, Newberry, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Thoroughman, White, Wood, Mr. Speaker—53.

Noes—Bourne, Connor of Ravalli, Godfrey, Hedges, Murray, Newton, Patterson and Toole—8.

Absent—Adkins, Brownlee, Donlan, Faust, Lehman, Metlen, Shanley, Urquhart, Ward—9.

## THIRD READING OF SENATE BILLS.

Moved by Meunier that S. B's be head by title only.

Motion carried by a unanimous vote.

S. B. No 76 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Crawford, Dee, Dixon, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, White, Wood, Mr. Speaker—58.

Noes—Jensen—1.

Absent—Cram, Faust, Lehman, Madden, Newberry, Newton, Shanley, Thoroughman, Toole, Urquhart, Ward—11.

S. B. No 71 read a third time and concurred in by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Ferry, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Jensen, Jones, Lannin, Lehman, Lowney, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Murray, Myers, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, White, Wood, Mr. Speaker—46.

Noes—Cannon, Fine, Fitzpatrick, Hill, Kilgallon, Martin, Meunier, Newberry, Roland, Rossman—9.

Absent—Adkins, Berkin, Brownlee, Faust, Geary, McGinnis, Madden, McCone, Metlen, Newton, Stull, Shanley, Thoroughman, Urquhart, Ward—15.

House resolved itself into the committee of the whole for consideration of general orders.

Lannin in the chair.

House Resumes

Mr Speaker in the chair.

Lannin chairman of the committee of the whole made the following report.

Mr. Speaker: Your Committee of the Whole, having considered S. B. No. 56 recommend that it be concurred in.

Also, S. B. No. 46. S. B. No. 12. S. B. No. 91. S. B. No. 84. S. B. No. 86. S. B. No. 25. S. B. No. 33 (as) amended. S. B. No. 52 be concurred in. S. B. No. 18 and recommend that it be re-referred to Judiciary Com. S. B. No. 67 be concurred in. H. B. No. 27 do pass as amended. H. B. No. 51. H. B. No. 75. H. B. No. 70. H. B. No. 92. H. B. No. 82 H B No. 77. H. B. No. 32. H. B. No. 83. Sub. for H. B. No. 73. H. B. No. 133 do pass.

LANNIN Chairban.

On motion of Lannin the report was adopted as read.

Moved by Dixon that the House revert back to order of business No 5 and 6.

Substitute motion by McGinnis that the House recess until 8:00 A. M. tomorrow March 7th 1901.

Substitute motion lost by the following vote

Ayes—Axtell, Baggs, Baker, Cannon, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Metlen, Meunier, Pelletier, Pendergrass, Richardson, Roland, Rossman, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Urquhart—29.

Noes—Adkins, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Ravalli, Dixon, Donlan, (Faust), Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Madden, McCone, McIntyre, McTague, Murray, Newberry, Newton, Patterson, Shanley, Stull, Toole, White, Wood, Mr. Speaker—32.

Absent—Crawford, Kilgallon, Lehman, McDonnell (of Deer Lodge), Myers, Quinn, Swindlehurst, Thoroughman, Ward—9.

Original motion lost by the following vote.

Ayes—(Baggs), Becker, Berkin, Bielenburg, Bourne, Brein, Connor of Ravalli, Dixon, Donlan, Faust, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray, Newberry, Newton, Patterson, Sanden, Shanley, Stull, Wood, Mr. Speaker—29

Noes—Adkins, Axtell, Baker, Cannon, Connor of Cascade, Cram, Crawford, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Geary, Hartwig, Jensen, Lannin, Lowney, Madden, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sullivan, of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White—35.

Absent—Brownlee, Kilgallon, Lehman, McGinnis, Thoroughman, Ward—6

Moved by Hill that the House adjourn until tomorrow at 10:00 A. M.  
March 7th 1907. (1901)

S. B's No's 56, 46, 12, 91, 84, 86, 25, 52 and 67 placed on third reading.

S. B. No 133 (33) as amended ordered engrossed.

S. B. No 18 (re)referred to Judiciary committee.

H. B's No's 51, 75, 70, 92, 82, 77, 32, 83, 133, Substitute for H. B. No 73 placed on third reading and H. B. No 27 as amended ordered engrossed.

Motion carried.

Mr. Speaker declared the House adjourned until tomorrow at 10:00 A. M. March 7, 1901.

ROGER E. SKELLY, Chief Clerk.

I, John Baker, Speaker Pro Tem, being present on March 6, the Fifty-ninth day of the Session hereby certify the foregoing minutes of the Seventh Legislative Assembly are correct

JOHN BAKER, Speaker Pro Tem.

## SIXTIETH DAY

House of Representatives.

Helena, Mont, March 7, 1901.

House met pursuant to adjournment at 10:00 A. M.

Mr Speaker in the chair.

Roll Call

Quorum Present

Prayer by the Chaplain.

### REPORT OF STANDING COMMITTEES.

Moved by Baker that a committee of three be appointed to raise a fund for floral offering for the Hon. Thos. Courtney.

Motion carried.

Mr. Speaker appoints Baker, Newton, and Axtell.

Mr. Speaker:—Your Committee on printing, to whom was referred House Bills numbered 159, 176, 186, 187 and House Joint Memorial No. 5, report the same back correctly printed. Respectfully GEO. F. WHITE, Chairman.

Report accepted and placed on file.

H B's No's 159, 176, 186, 189 and House Joint Memorial No 5, referred to Steering Committee.

Mr. Speaker: Your Committee on Judiciary, to whom was referred S. B. No. 114, entitled: "A bill for an act to amend Section 1 of an act entitled "An act to amend Sections 4063, 4064, 4065, and 4083, of the Political Code of Montana, and add to Article 2, Chapter 12, Title 10, Part III, of the Political Code a section to be numbered 4084 regarding licenses, approved March 6 1897," respectfully report the same back to the House with the recommendation that it be concurred in and passed.

M. P. GILCHRIST, Chairman.

Report accepted and placed on file.

S B. No 114 referred to Steering Committee.

Mr. Speaker: Your Committee on Apportionment and Representation to whom was re-referred Substitute for House Bill No. 30 relating to A Bill for an Act to provide for apportionment of membership and representation of the several counties of Montana in the House of Representatives of the



Legislative Assemblies of Montana and to fix the number of members thereof, report the Bill back with the recommendation that it do pass.

WARD, Chairman.

Moved by Rosman that the report be laid on the table.

Motion carried.

Moved by McIntyre that the engrossing committee be requested to report on H. B. No 27 within one hour time 10:17.

Motion carried.

#### REPORT OF SELECT COMMITTEES.

Mr. Speaker:—Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of fifty 59 Day and find the same correct and recommend that the Journal be approved as recorded.

ROSMAN, Chairman.

On motion of Hedges the report was adopted as read.

#### THIRD READING OF HOUSE BILLS.

On motion of Dixon all House Bills other than appropriation Bills were read a third time by title only.

H. B. No 83 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Fitzpatrick, Gilchrist, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rosman, Sanden, Stull, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward, White, Wood, Mr. Speaker—57.

Noes—none.

Absent—Ferry, Fine, Geary, Godfrey, Gregory, Lehman, MacGinniss, Madden, Pendergrass, Shanley, Sullivan of Lewis and Clarke, Thoroughman, Toole—13.

H B No 51 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, (Swindlehurst), Ward, White, Wood, Mr. Speaker—65.

Noes—none.

Absent—Berkin, Lehman, Thoroughman, Toole and Urquhart—5.

H. B. No 92 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Swindlehurst, Ward, White, Wood, M. Speaker—66.

Noes—none.

Absent—Berkin, Thoroughman, Toole, Urquhart—4.

#### REPORT OF ENROLLMENT COMMITTEE.

Mr. Speaker:—Your Committee on Enrollment (respectfully) report that we have this day, March 6th, delivered to His Excellency, the Governor, H.

B. No. 89. An Act Entitled "An Act relative to number of Assistants and Deputy County Attorneys in Counties of the first and second class, and allowing County Commissioners to fix the Compensation Thereof."

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 6th, 1901, at the hour of 1 P. M. delivered to His Excellency, the Governor, H. B. No. 14. An Act entitled, "An Act appropriating money for the relief of the State Deaf, Dumb and Blind Asylum.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 6th 1901, at the hour of 1 P. M. delivered to His Excellency, the Governor, H. J. M. No. 1. Joint House Memorial for the relief of Certain Settlers upon Lewis and Clarke Forest Reserve of Montana.

MacGINNISS, Chairman

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 6th, 1901, at the hour of (1) P. M. delivered to His Excellency, the Governor, H. J. M. No. 3. For the relief of settlers within the Lewis and Clarke forest reserve and praying for their relief by the survey of certain lands and having the same thrown open for settlement.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 6th, 1901, at the hour of (1) P. M. delivered to His Excellency, the Governor, H. B. No. 16. An Act entitled An Act to amend Sections 1331, 1334, and 1337. Article 2 Chapter 8. Title 2. Part 3. of the Political Code of the State of Montana relating to Primary elections.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7th 1901, at the hour of 11 A. M. delivered to His Excellency, the Governor, H. B. No. 59. A Bill for an Act to amend Sections 1354, 1357, 1358 1359 and 1361, of Chapter 9, of Article 11, of Title 2, of Part 3 of the Political Code of the State of Montana, relating to Ballots and Voting, and providing further Protection for the Voter while preparing his Ballot and Casting the Same.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 A. M. delivered to His Excellency, the Governor, H. B. No. 100. An Act Entitled, "An Act Forfeiting to the State of Montana Thirty Thousand Dollars (\$30,000.00) Deposited with the State Treasurer by an Investigating Committee of the Sixth Legislative Assembly, and Covering Same Into the Public School Income Fund."

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7th 1901, delivered to His Excellency, the Governor, H. B. No. 41. An Act to amend Section 2131 of the Code of Civil Procedure, relating to filing liens of mechanics and others upon real property.

MacGINNIS, Chairman.

Reports accepted and placed on file.

H. B. No 32 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lamm, Lowney, MacGinniss, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—none.

Absent—Lehman, Thoroughman, Toole—3.

H. B. No 82 read a third time passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Craw-

ford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood, Mr. Speaker—66 (67)

Noes—none.

Absent—Myers, Thoroughman, Urquhart—3.

Substitute for H. B. No 73 read a third time and passed by following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward, White, Woods, Mr Speaker—66

Noes—Murray—1.

Absent—Godfrey Thoroughman, Toole—3.

H. B. No 133 read a third time and passed by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, (Newbary), Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward, White, Wood, Mr. Speaker—67

Noes—none.

Absent—Godfrey, Thoroughman and Toole—3.

Sub. for H. B. No 75 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward, White Woods Mr. Speaker—67.

Noes—Murray—1.

Absent—Thoroughman and Toole—2.

H. B. No 77 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Woods, Mr. Speaker—65

Noes—none.

Absent—Cannon, Dixon, Myers, Thoroughman, Urquhart—5.

H. B. No 70 read a third time and passed by the following vote.



Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood, Mr. Speaker—66

Noes—none.

Absent—Lehman, Pendergrass, Thoroughman, Urquhart—4.

#### FIRST READING OF SENATE BILLS.

S. B. No 103 read first and second time Referred to committee on Railroads and Transportations.

#### THIRD READING OF SENATE BILLS.

On motion of Corbett all S. B's were read by title only.

S. B. No 86 read a third (time) and concurred in by the following vote.

Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood, Mr. Speaker—66.

Noes—none.

Absent—Baker, Lehman, Thoroughman, Urquhart—4.

S. B. No. 84 read a third time and concurred in by the following vote.

Ayes, Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood, Mr. Speaker—66.

Noes—none.

Absent—Berkin, Hartwig, Thoroughman, Urquhart—4.

Mr. Speaker: Please announce that the committee appointed to solicit subscriptions to purchase a moral tribute for the deceased Senator T. F. Courtney, has collected the sum of \$10.00 for that purpose.

BAKER, Chm.

On motion of Fitzpatrick the report was accepted and the committee instructed to purchase moral decorations.

S. B. 31 Read a third time and concurred in by the following vote

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Woods, Mr. Speaker—66.

Noes—none.

Absent—Cram, Roland, Thoroughman, Urquhart—4.

S. B. No 99 read a 3rd time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, (Donlan), Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Muray, Myers, Newberry, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Woods, Mr. Speaker—64.

Noes—Connor of Cascade, (Newton).—2.

Absent—Baker, Hedges, Thoroughman, Urquhart—4.

#### REPORT OF STANDING COMMITTEE.

Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bill No. 27, report the same back as correctly engrossed.

B. F. MYERS, Chairman.

Report accepted and placed on file.

S. B. No 74 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bourne, Brein, Connor of Cascade Co., Connor of (Ravali), Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gregory, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lehman, (Madden), McDonnell of Deer Lodge, McIntyre, Metlen, Meunier, Murray, Newberry, Patterson, Pelletier, Quinn, Richardson, Sullivan of Lewis & Clarke, Toole, Ward, White, Woods—42.

Noes—Baggs, Bielenburg, Brownlee, Cannon, Dixon, Gregory, Hedges, Jones, Martin, McCone, McTague, Myers, Newton, Pendergrass, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Silver Bow, Swindlehurst—21.

Absent—Godfrey, Lowney, McGinnis, McDonnell of Jefferson, Thoroughman, Urquhart, Mr. Speaker—7.

S. B. No. 33 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—65.

Noes—Bielenburg, Bourne—2

Absent—Murray, Thoroughman, Ward—3.

S. B. No. 12 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—68.

Absent—Dixon, Thoroughman—(2)

S. B. No 67 read a third time and concurred in by the following vote.

Adkins, Axtell, Baggs, Becker, (Berkin), Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Mur,

ray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—none.

Absent—Baker, Faust, Thoroughman—3.

S. B. No 52 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—none.

Absent—Lowney, MacGinnis, Thoroughman—(3)

Mr. Speaker:—Your Committee on Enrollment report H. B's. (No.) 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, (125, 126,) 127, 128, 129, 131, 132, 143, 160, and 161, as correctly enrolled. MacGINNISS Chairman.

Report accepted and placed on file.

S. B. No 29 (25) (read a third time and) concurred in and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes—none.

Absent—Dixon, Newton, Thoroughman—(3)

S. B. No 46 was read a third time and passed (concurred) in by the following vote.

Ayes—Axtell, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lehman, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Richardson, Roland, Rosman, Shanley, Stull, Sullivan of Lewis & Clarke, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—58.

Noes—Cannon, Crawford, Fitzpatrick, Lannin, Lowney, Meunier, Pendergrass, Quinn, Sanden, Sullivan of Silver Bow—10.

Absent—Berkin, and Thoroughman—2

S. B. No 56 was read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.



Noes—Fine, Jensen—2

Absent—Thoroughman—1.

Moved by Hedges that the House return to order of business No 5  
Motion carried.

H. B. No 27 read a 3rd time and passed by the following vote.

Ayes—Axtell, Becker, Berkin, Bielenburg, Bourne, Brein, Connor of Cascade, Cram, Crawford, Donaldson, Donlan, Faust, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hedges, Jones, Kilgallon, Lehman, MacGinnis, Madden, McCone, McDonnell, McDonald, McIntyre, McTague, Meunier, Patterson, Quinn, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Toole, Urquhart, Ward, Wood—40.

Noes—Adkins, Baggs, Brownlee, Cannon, Connor of Ravalli, Dee, Ferry, Hartwig, Hill, (Jensen), Lannin, Lowney, Martin, Metlen, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Richardson, Roland Rossman, Sullivan of Silver Bow, Swindlehurst, White, Mr. Speaker—27.

Absent—Baker, Dixon, Thoroughman—3.

Moved by Meunier that the House take a recess until 12 o'clock M.  
Motion lost.

#### MESSAGES FROM THE SENATE.

Helena, Montana, March 6, 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body. That: Senate Bill No. 103 has been read a third time and passed and is herewith transmitted with (for) your concurrence. House Bill No. 110, 111, 112, 113, 114, 115, 116, 117, 118,

119, 120, 121, 122, 123, 127, 128, 124, 129, 131, 132, 143, 160 and 161 have been read a third time and concurred (in) and are herewith transmitted to the House.

Also That: Your concurrent resolution relative to appointing a (Joint) committee to fix the time of final adjournment of the Seventh Legislative Assembly was rejected.

Respectfully,

C. A. WHIPPLE Secretary.

Mr Speaker I move that when the House shall go into Committee of the Whole for the consideration of General Orders that No 24 on General Orders be placed at the head of the list

CONNER of Ravalli.

Motion lost.

Mr Speaker I move that when the House goes into Committee of the Whole that S. B. 37 H. B. 58 H. B. 150 H. B. 93 H. B. 94 H. B. 157 be placed in order as named herein at the top of the list of General Orders

METLEN

Motion lost.

Mr Speaker I move you that the Steering Committee be instructed to place Substitute for House Bill No. 34 on General Orders

PELLETIER

Motion carried.

On motion of Dixon House Joint Memorial No 7 was placed at head of general orders.

#### JOINT SESSION.

House of Representatives.

Helena, March 7th 1901.

The Honorable, the Senate entered the House, were (was) received and the Senate and the House resolved themselves into a Joint Assembly for the purpose of voting for United States Senator.

Member of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the president of the Senate at 12 o'clock M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively was found to be present.

The president of the Senate then announced that the Joint Assembly would now proceed to vote for United States Senator to fill the vacancy

caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The president ordered the secretary of the Senate to call the roll of the Senate when the following vote was announced.

#### IN THE SENATE.

For Thomas H. Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer, Mitchell, Phillips, Worden—9.

For H. L. Frank—Biggs, Clark, Connolly, Conrow, Cullen, Gruwell, Hoffman, Mahon, Murray, Myers, Tierney—11.

For W. G. Conrad—Stanton, Warner—2.

For John MacGinniss—(Kennedy)—1.

The President ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Thomas H. Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Conner of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—23.

For H. L. Frank—Adkins, Baker, Berkin, Brein, Cannon, Ferry, Fitzpatrick, Gilchrist, Hartwig, Martin, Hill, Kilgallon, Madden, McDonnell, McTague, Metlen, Myers, Rosman, Sanden, Swindlehurst, Toole, Urquhart, White, Wood, Corbett—25.

For W. G. Conrad—Geary, Richardson—2.

For John MacGinniss—Axtell, Conner of Cascade, Cram, Crawford, Dee, Donaldson, Fine, Lannin, Lewney, Meunier, McDonald, Pelletier, Pendergrass, Quinn, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Ward—17.

For Joseph K. Toole—MacGinniss.

For Paris Gibson—Jensen.

The President announced the vote of the Joint Session as follows:

For Frank .....	36
“ Carter .....	32
“ MacGinniss .....	18
“ Conrad .....	4
“ Toole .....	1
“ Gibson .....	1

92

\*Absent (in the house)—Thoroughman.

The President announced no one having received a majority of all votes case there is no election.

Moved by Cullen that the Joint Assembly do now take a recess until 7 O’Clock P. M.

(Motion carried.)

On motion of Lannin the House took a recess until 2 o’clock.

2 o’clock P. M.

House Resumes

Mr Speaker in the Chair.

Roll Call

Quorum Present

The House resolved itself into the Com of the whole for consideration of general orders

Lannin in the chair.

House Resumes

Mr Speaker in the Chair.

Lannin Chairman of the committee made the following report.

Mr. Speaker: Your Committee of the Whole having considered House Joint Concurrent Resolution No. 7 and recommend that it do pass.

Also S. B. No. 59. be concurred in.

Sub. S. B. No. 61 be concurred in.

S. B. No. 114 be concurred in.

LANNIN Chairman.

On motion of Lannin the report was adopted as read, with the exception of S. B. No 114.

Moved by Lannin that the report on S. B. No 114 be rejected.

Motion Carried.

S. B. No 114 rereferred to Steering Committee.

Lannin in the Chair.

House Resumes

Pelletier in the Chair.

Lannin chairman of the committee made the following report.

Mr. Speaker: Your Committee of the Whole, having considered S. B. No. 114 recommend that enacting clause be stricken out.

That S. B. No. 13 be concurred in.

S. B. No. 37 be concurred in.

S. B. No. 45 be concurred in.

S. B. No. 28 be concurred in.

S. B. No. 101 be concurred in.

S. B. No. 92 be concurred in.

S. B. No. 82 be concurred in.

LANNIN Chairman.

On motion of Lannin the report was adopted as read.

There being no objection the House returned to order of business No 9.

#### MESSAGES FROM THE SENATE.

(Helena, Montana, Mch 7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: House Bills 104 174 and 147 were read third time and concurred in 174 having been amended.

Respy

C. A. WHIPPLE Secy

Helena, Montana, Mch 7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: Senate rejects House amendments to S B 74 and asks the House to recede from the same.

Respy

C. A. WHIPPLE Secy

Helena, Montana, 3-7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: H. B. No. 13 was read third time & concurred in.

Respy

X. K. STOUT Asst Secy.

Helena, Montana, Mch 7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: The Senate has reconsidered its action on H. B. 60 and asks that said bill be returned to the Senate for further consideration.

Respy

C. A. WHIPPLE Secy

On motion of Jensen H. B. No 60 was ordered enrolled.

Moved by Hedges that a conference committee of 2 be appointed to act with a like committee from the Senate in reference to amendments in S. B. 74.

Motion Carried.

Moved by Newton that H. B. No 174 be taken up.

Motion Carried.

H. B. No 174 read a 3rd time and passed by the following vote.

Ayes—Adkins, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods  
Mr. Speaker—64.

Noes—none.

Absent—Axtell, Dixon, Gilchrist, Madden, Sanden, Thoroughman—6.

H. B. No. 174 as amended ordered enrolled.



Mr Speaker I move that when this house goes into committee of the whole, we take up H. B. 78, first and house bill 191.

CONNER of Ravalli.

Motion carried by a unanimous vote.

Mr Speaker: I move you that we now revert to order of Business No 3. reports of Standing Committees, that the apportionment and Representation Committee may report on Senate Bill No. 97.

WARD.

Motion Carried.

Mr Speaker signs House Bills Nos 120, 118, 117, 119, 116, 115, 114, 112, 113, 111, 110, 124, 127, 128, 129, 160, 161, 143, 132, 131, 123, 122, 121 in the presence of the House.

#### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:—Your Committee on Apportionment and Representation report back Senate Bill No. 97 introduced by Senate Committee on Apportionment and Representation, being a bill for an act entitled an act to provide for appointment (apportionment) and (or) membership and representation of the several counties of Montana in the House of Representatives of Legislative Assemblies of Montana and to fix the numbers (or members) thereof, with a recommendation that it do (not) pass.

WARD Chairman.

Moved by Lee that the report be rejected.

Motion Carried.

S. B. No. 97 Placed on 3rd reading.

House resolved itself into committee of the whole for consideration of General orders.

Lannin in the chair.

House Resumes

Mr Speaker in the chair.

Lannin chairman of the committee made the following report.

Mr. Speaker: Your Committee of the Whole having considered H. B. No 78 recommend that it do pass.

Also that S. B. 77 be concurred in.

S. B. 83 be concurred in.

Sub. S. B. 7 be concurred in.

H. B. 191 do pass.

S. B. 80 be concurred in.

H. B. 74 do pass.

S. B. 100 concurred in.

H. B. 177 do pass.

H. B. 58 do pass as amended.

H. B. 150 do pass.

Adopted except S. B. 77.

As to S. B. Number 77 Motion to reject the report by Lannin—seconded by MacGinniss

Motion passed.

#### REPORT OF CONFERENCE COMMITTEE.

Mr Speaker signs S. B's No's 76, 99, 25, and 56 in the presence of the House.

Motion by Dixon that the report of conference committee be laid on the table.

Motion lost by the following vote.

Ayes—Baggs, Baker, Becker, Berkin, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Godfrey, Gregory, Hedges, Jones, Madden, Martin, McCone, Myers, Newberry, Newton, Patterson, Roland, Rossman, Shanley, Stull, Swindlehurst, Mr. Speaker—25.

Noes—Bielenburg, Brehm, Cannon, Connor of Cascade, Cram, Crafword, Dee, Donaldson, Donlan, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, Lannin, Lewney, MacGinniss, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Sullivan of Lewis

Clarke, Sullivan of Silver Bow, Toole, Urquhart, Ward, White, Woods—40.  
Absent—Adkins, Axtell, Lehman, Murray, Thoroughman—5.

Moved by Richardson that the report be reported (adopted) and S. B. No. 14 be ordered engrossed with instruction to report in 30 minutes.

On motion of Dixon the House returned to order of business No. 5.

Executive Office, Helena, Montana, Mch 7 1901

Received of T. M. Swindlehurst, member of the Committee on Enrollment of the House of Representatives House Bill Nos 122, 132, 124, 110, 121, 128, 129, 100, 161, 143, 131, 123, 121, 120, 118, 112, 112, 114, 115, 116, 119, 117, 111. RANDOLPH THOMPSON Private Secretary.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 118. An Act Entitled, "An Act Appropriating Money for the Payment of Claim of Oliver T. Crane, Account Marshall or the Supreme Court. MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 119. An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Persons and Companies for Services Rendered to, and Supplies Furnished for, the State Prison in the Year 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 120. An Act Entitled, "An Act Appropriating money for the Payment of Claim of James B. Hawkins, Account Services as Overseer at Reform School in the Year 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 121. An Act Entitled, "An Act Appropriating Money for the Payment of Certain Persons, Account Per Diem and Mileage, as Presidential Electors." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 122. An Act Entitled, "An Act Appropriating money for the Payment of the Claims of Certain Persons, Account Extra Clerk Hire in the State Offices in the Year 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 123. An Act Entitled, An Act Appropriating Money for the Payment of Claim of John F. Smith, Account Reward, in the Year 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7 1901, at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 124. An Act entitled An Act Appropriating money for the payment of claims of certain persons for services rendered and supplies furnished the Orphans Home during the year 1900. MacGINNISS Chairman.

Mr. Speaker: Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 127, An Act Entitled, "An Act Making Appropriations for the Payment of the Claims of the Members of the State Board of Charities and Reforms for Their Expenses While Traveling on Official Duty, and also Making Appropriation for the Payment of their Expenses During the Years of 1901. and 1902. MacGINNISS Chairman.

Mr. Speaker Your Committee on Enrollment report that we have this day, March, 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 128. An Act Entitled, "An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account Salary and Expenses of the Commissioner for the State of Montana to the Trans-Mississippi Exposition, and Exhibits Furnished the State on Account of Such Exposition." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this

day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 129. An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Counties and Persons Account refunded Taxes in the Years 1899. and 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 131. An Act Entitled, "An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account Requisitions During Years 1899 and 1900." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 132. An Act Entitled, "An Act Appropriating Money for the Payment of the Claim of J. Rummel, Account Repairs on Armory." MacGINNISS Chairman.

Mr. Speaker Your Committee on Enrollment report H. B. No. 126 as correctly enrolled. MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. 143. An Act entitled An Act to amend Section 32, Title I, Part I, Chapter 4, of the Code of Civil Procedure, and to provide for and (an) additional Judge for the second judicial district of the State of Montana. MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 160. An Act entitled An Act Appropriating money for the payment of the claims of certain persons and companies account Orphans Home heating plant in 1899 and 1900. MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March. 7th, 1901 at the hour of 5 o'clock delivered to his excellency the Governor H. B. No. 161. An Act entitled An Act Appropriating money for the payment of the claims of members of the State Board of Charities and reforms for traveling expenses during the year 1900. MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 110. An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons Account Expenses of Members of the Education in the Year 1900. MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, (March. 7 1901. at the hour of 5 o'clock) delivered to His Excellency, the Governor, H. B. No. 111. An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Persons Account of Public Printing in the Year 1900." MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 112. An Act Entitled, "An Act Appropriating Money for the Payment of the Claim of W. M. Biggs, Account Supplies Furnished Historical Library." MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 113. An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered, and Supplies Furnished to Deaf and Dumb Asylum for the Year 1900. MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 114. An Act Entitled, "An Act Appropriating Money for the Payment of the Claim of Lester S. Willson, Account Trustee of Soldiers' Home in the Year 1896. MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March. 7 1901. at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 115. An Act Entitled, An Act Appropriating Money for the Pay-



ment of Claims of Certain Persons Account Salaries, Services and Supplies at the University of Montana in the Year 1900." MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 116. An Act Entitled, "An Act Appropriating Money for the Payment of Claims of Certain Persons, Account Salaries of State Officers and in 1898." MacGINNISS Chairman.

Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 5 o'clock delivered to His Excellency, the Governor, H. B. No. 117. An Act Entitled, An Act Appropriating Money for the Payment of Claims of Certain Persons, Account Salaries of State Officers and Clerks in the Year 1900. MacGINNISS Chairman.

Reports accepted and placed on file.

Mr Speaker signs S B No's 86 46 and 91 in the presence of the Hous.

#### MESSAGES FROM THE SENATE.

Helena, Montana, Mch 7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: H Bs 32 51 & 75 were indefinitely postponed.

H. B. 92 Read third time and concurred in and all bills are herewith transmitted to the House Respy C. A. WHIPPLE Secy

Helena, Montana, Mar 7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: H. B. Nos. 79, 83, 126, 156, 68, 146, 189, 82, 188, 173, 190, 31 and H. J. M. 6 and 7 (8.) Have been read third time concurred in and are herewith transmitted. Respy X. K. STOUT Asst Secretary

Mr. Speaker: I am directed by the Senate to inform your honorable body That: House Bills. 60, 175, 8 and 138 Read third time & Concurred in and herewith transmitted to the House. C. A. WHIPPLE Secretary.

(Per WHALEY)

On motion of Hedges the amendments on H. B. No 175 were concurred in. H. B. No 175 ordered enrolled.

#### THIRD READING OF HOUSE BILLS.

Mr Speaker signs S B's No's 67 and 71.

H. B. No 119 (191) read a third time and passed by the following vote.

Ayes—Axteli, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, (Gregory,) Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes none.

Absent—Adkins, Metlen, Thoroughman.

H. B. No 74 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—67.

Noes none.

Absent—Cram, Crawford, Thoroughman—3.

S. B. No 177 read a third time and passed by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—67.

Noes none.

Absent—Adkins, Brein, Thoroughman—3.

H. B. No. 150 read a 3rd time and passed by the following vote.

Ayes—Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—67.

Noes none.

Absent—Adkins, Dixon, Thoroughman—3.

H. B. No. 178 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—68.

Noes none.

Absent—Baker, Thoroughman—2.

S. Joint Resolution No 7 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes none.

Absent—Lehman, Thoroughman—2.

S. B. No. 80 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rosman, Sanden, Shanley, Stull, Sullivan of

Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—68.

Absent—Becker, Thoroughman—2.

S. B. No 52 read a third time and concurred (in) by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lamm, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

S. B. No 53 (57) read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lamm, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell, McDonald, McIntyre, McTague, Metlen, Meunier, Murray, Meyers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—Baker—1.

Absent—Thoroughman—(1)

S. B. No 59 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade Co., Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lamm, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—none.

Absent—Geary, Thoroughman—2.

Mr. Speaker signs H. B. No 126 in the presence of the House.

Substitute for S. B. No 61 read a 3rd time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lamm, Lehman, Lowney, MacGinnis, Madden, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood—62.

Noes—Berkin, Gilchrist, Martin, McCone, Newton, Shanley, Mr. Speaker—7.

Absent—Thoroughman—(1)

Substitute for S. B. No 7 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, (Cannon,) Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones,



Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

S. B. No 13 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

Senate (S. B.) No 45 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman

S. B. No 100 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

S. B. No 101 was read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

S. B. No 97 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—67.

Noes—Cannon, Murray—2.

Absent—Thoroughman—1.

S. B. No. 83 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

S. B. No. 92 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes none.

Absent—Thoroughman—1.

S. B. No. 28 read a third time and concurred in by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes none.

Absent—Thoroughman—1.

#### MESSAGES FROM THE SENATE.

Helena, Montana, 3-7 1901

Mr. Speaker: I am directed by the Senate to inform your honorable body, That: H. B. Nos. 77, 27, 133 were read third time, concurred in and are herewith transmitted.

That H. B. No. 70 was indefinitely postponed and is herewith transmitted.

That S. J. M. No. 4 was passed & is herewith transmitted for concurrence.

Respy

X. K. STOUT Asst Secy.

## REPORTS OF STANDING COMMITTEES.

Helena, Montana, March 7, 1901

Mr. Speaker:—Your Committee on Engrossment to whom was referred House Bill No. 58 report the same as correctly engrossed, also amendment to Senate Bill No. 74.

B. F. MYERS Chairman.

Report accepted and placed on file.

H. B. No 58 and 74 ordered transmitted to the Senate.

Moved by Dixon that the House take a recess until 9. P. M.

Substitute motion by Lannin that the House recess until 7. o'clock P. M.

Substitute motion carried.

7 o'clock P. M.

House Resumes

Mr Speaker in the Chair.

Roll Call

Quorum Present

Moved by Baggs that the House recess to meet after the Joint Assembly.

Motion Lost.

Moved by Lannin that the House recess until 9 o'clock P. M.

Motion carried by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Bourne, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McDonnell of Deer Lodge, McDonnell of Jefferson, Metagne, Metlen, Meunier, Murray, Myers, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—58.

Noes—Bielenburg, Brein, McCone, McIntyre, Rossman—5.

Absent—Baggs, Berkin, Geary, Patterson, Roland, Swindlehurst and Thorughman—7.

## JOINT SESSION.

7 O'Clock, P. M.

Joint Session Resumes.

Mr President in the Chair.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively were found to be present.

The President of the Senate then announced that the Joint Assembly would now proceed to vote for a United States Senator to fill the vacancy caused by the resignation of the Honorable William A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelly, McLean, Meyer W. F., Mitchell, Phillips, Worden—9.

For Frank—Biggs, Clark, Connolly, Cullen, Gruwell, Hoffman, Mahon, Murray, Myers H. L., Tierney—11.

For MacGinniss—Kennedy—1.

For Conrad—Stanton, Warner—2.

The president ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenburg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Adkin, Baker, Berkin, Brein, Cannon, Cram, Ferry, Fitzpatrick, Gilchrist, Hartwig, Hill, Kilgallon, Madden, Martin, McDonnell,



McTague, Metlen, Myers, Rossman, Sanden, Swindlehurst, Toole, Urquhart, White, Mr. Speaker—25.

For McGinniss—Axtell, Connor of Cascade, Crawford, Dee, Donaldson, Fine, Lannin, Lowney, MacDonald, Meunier, Pelletier, Pendergrass, Quinn, Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Ward—17.

For Conrad—Gerry—1.

For Gibson—Jensen, Wood—2.

Higgins—McGinniss—1.

The president of the Joint Assembly announced the vote to be as follows:

For Thomas H. Carter .....	32
For H. L. Frank .....	36
For John McGinniss .....	18
For W. G. Conrad .....	3
For Paris Gibson .....	2
For Frank Higgins .....	1
Total .....	92

The president announced no one having received a majority of all votes cast there is no election, on motion of Conrow the Joint Assembly proceeded to take another Ballot.

The president ordered the Secretary of the Senate to call the roll of the Senate and the following vote was announced.

For Carter—Anderson, Geiger, Hobson, Kelley, McLean, Meyer, Mitchell, Philip, Worden—9.

For Frank—Biggs, Clark, Connolly, Conrow, Cullen, Gruwell, Hoffman, Mahon, Murray, Myers, Tierney—11.

For McGinniss—Kennedy, Warner—2.

For Conrad—Stanton—1.

Absent—Courtney—1.

The Chief Clerk called the roll of the House when the following vote was announced.

For Carter—Baggs, Becker, Bielenburg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Godfrey, Gregory, Jones, Lehman, McCone, McIntyre, Murray, Newberry, Newton, Patterson, Roland, Shanley, Stull—23.

For Frank—Adkins, Baker, Berkin, Brein, Cannon, Cram, Ferry, Fitzpatrick, Gerry, Gilchrist, Hartwig, Hill, Kilgallon, Madden, Martin, McDonnell, McTague, Metlen, Myers, Quinn, Rosman, Sanden, Swindlehurst, Toole, Urquhart, White, Wood, Mr. Speaker—28.

For McGinniss—Axtell, Connor of Cascade, Crawford, Dee, Donaldson, Fine, Jensen, Lannin, Lowney, MacDonald, Meunier, Pelletier, Pendergrass, Richardson, Sullivan of Lewis and Clarke, Sullivan of Silver Bow, Ward—17.

For Higgins—McGinniss—1.

President of the Joint Assembly announced the vote of the Joint Session as follows:

For Thomas H. Carter .....	32
For H. L. Frank .....	39
For John McGinniss .....	19
For W. G. Conrad .....	1
For Higgins .....	1
Total .....	92

The President announced no one having received a majority of all the vote cast there is no election.

Moved by Cullen that the Joint Assembly take another ballot.

Substitute Motion by Kennedy the Joint Assembly recess for one hour.

Substitute motion lost original motion carried.

The President announced that the Joint Assembly would proceed to take another ballot.

The secretary of the Senate called the roll of the Senate when the following vote was announced.

For Carter .....	9
For Frank .....	9
For MacGinniss .....	4
For Conrad .....	1
Absent .....	1
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Total .....	24

The Chief Clerk of the House called the roll of the House when the following vote was announced.

For Carter .....	23
For Frank .....	22
For MacGinniss .....	23
For Piggot .....	1
Absent .....	1
<hr/>	
Total .....	70

The President announced the vote of the Joint Assembly as Follow

For Thomas H. Carter .....	32
For H. L. Frank .....	31
For John MacGinniss .....	27
For W. G. Conrad .....	1
For Piggot .....	1
<hr/>	
Total .....	92

The President announced that no one having received a majority of all the vote cast there is no election.

On motion of Cullen the Joint Assembly proceeded to take another Ballot. The Secretary of the Senate called the roll of the Senate when the following vote was announced.

For Carter .....	9
For Frank .....	9
For MacGinniss .....	4
For Conrad .....	1
Absent .....	1
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Total .....	24

The Chief Clerk of the House called the roll of the House when the following vote was announced.

For Carter .....	23
For Frank .....	20
For MacGinniss .....	25
For Milburn .....	1
Absent .....	1
<hr/>	
Total .....	70

The President (announced) the Vote of the Joint Assembly to be as follows:

For Thomas H. Carter .....	32
For H. L. Frank .....	29
For John McGinniss .....	29
For G. R. Milburn .....	1
For W. G. Conrad .....	1
<hr/>	
Total .....	92

The President announced no one having received a majority of all the votes cast there is no election.

On motion of Cullen the Joint Assembly proceeded to take another ballot The Roll of the Senate was called with the following results.

For Carter .....	9
For Frank .....	9
For MacGinniss .....	4
For Conrad .....	1
Absent .....	1

Total ..... 24

The roll of the House was called with the following results.

For Carter .....	23
For Frank .....	20
For MacGinniss .....	25
For Higgins .....	1
Absent .....	1

Total ..... 70

The president announces the vote of Joint Assembly to be as follows.

For Thomas H. Carter .....	32
For H. L. Frank .....	29
For John MacGinniss .....	29
For Frank Higgins .....	1

Total ..... 92

The president announced no one having received a majority of all the votes cast there will be no election.

On motion of Myers the Joint Assembly took a recess until 11.15 o'clock P. M.

House resolved itself into com of the whole for consideration of General orders.

Lannin in the chair.

House Resumes

Mr. Speaker in the chair.

Lannin chairman made the following report.

Mr. Speaker: Your Committee of the whole having considered H. B.

No 130 recommend that it do pass.

Also that H. B. No. 93 (do pass). (H. B. No.) 94 (do pass). (H. B. No.) 157 (do pass). (H. B. No.) 98 (do pass). (H. B. No.) 140 (do pass). (H. B. No.) 135 and recommend that the enacting clause be stricken out in H. B. No 135 That H. B. No 52 (do pass) (H. B. No.) 139 (do pass). (Sub. H. B. No.) 169 (do pass). (H. B. No.) 64 do pass and S. B. No. 39 be concurred in.

LANNIN, Chairman.

On motion of Lannin the report was adopted as read.

The House returned to order of business No 5 and 6.

### THIRD READING OF HOUSE BILLS

H. B. No 130 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, MacGinniss, Madden, Martin, McCone McDonnell of Deer Lodge, McDonnell of Jefferson, McIntyre, McTague, Metlen, Meunier, Murray, yers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Woods, Mr. Speaker—67.

Noes—none.

Absent—Baggs, Lewney and Thoroughman—3.



## REPORT OF ENROLLMENT COMMITTEE

Mr. Speaker:—Your Committee on Enrollment report H. B's No. 13, 79, 189, 146, and 104, as correctly Enrolled. MacGINNISS, Chairman.

Report accepted and placed on file.

H. B. No 157 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge,) McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—none.

Absent—Baker, Thoroughman—2

H. B. No 93 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge,) McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—none.

Absent—Berkin, Thoroughman—2.

Mr Speaker signs H Bs No's 104 146, 189, 13 and 79 in the presence of the House.

H. B. No. 94 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravali, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge,) McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—none.

Absent—Lehman, Thoroughman

H. B. No. 139 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge,) McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—Cannon—1.

Absent—Thoroughman—1.

H B No 52 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne,

Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram Crawford, Dee, Dixon, Donaldson, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—68.

Noes—none.

Absent—Lehman, Thoroughman—2.

H. B. No. 140 read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baggs, Baker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—69.

Noes—none.

Absent—Thoroughman—1.

H. B. No 98 was read a third time and passed by the following vote.

Ayes—Adkins, Axtell, Baker, Berkin, Bielenburg, Bourne, Brein, Cannon, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Pendergrass, Quinn, Richardson, Rossman, Sanden, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—59.

Noes—Baggs, Becker, Brownlee, McCone, Myers, Newberry, Newton, Patterson, Roland, Sanden—10.

Absent—Thoroughman—1.

Sub. for H. B. No 169 read a third time and passed by the following vote.

Ayes—Adkins—Axtell, Baggs, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Connor of Cascade, Connor of Ravalli, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones, Kilgallon, Lannin, Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Myers, Newberry, Newton, Patterson, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Ward, White, Wood, Mr. Speaker—64.

Noes—Baker, Cannon, Cram, Sanden, Urquhart—5.

Absent—Thoroughman—1.

Mr. Speaker:—Your Committee on Enrollment report House Bills 83, 82 and 68 correctly enrolled and are herewith returned.

MacGINNISS, Chairman.

Mr. Speaker signs H. B's No's 82, 83 and 68 in the presence of the House.

On reading H. B. No 64 Gilchrist raised to a point of order that H. B. No 64 had no right on general orders.

Point of order sustained by the chair.

Lannin appealed from the decision of the chair.

The appeal was lost by the following vote.

Ayes—Baker, Becker, Berkin, Bielenburg, Bourne, (Brein,) Brownlee, Cannon, Connor of Ravalli, Crawford, Dixon, Donlan, Faust, Geary, Gilchrist, Godfrey, Gregory, Hedges, Hill, Jones, Kilgallon, Lehman, Madden, Martin, McCone, McDonnell (of Deer Lodge), McIntyre, McTague, Murray,

Newberry, Newton, Patterson, Rossman, Shanley, Stull, Swindlehurst, Toole, White, Wood, Mr. Speaker—30 (39)

Noes—Adkins, Axtell, Baggs, Connor of Cascade, Cram, Dee, Donaldson, Ferry, Fine, Fitzpatrick, Hartwig, Jensen, Lannin, Lowney, MacGinnis, McDonnell (of Jefferson), Metlen, Meunier, Myers, Pelletier, Quinn, Richardson, Roland, Sanden, Sullivan of Silver Bow, Urquhart—27 (26)

Absent—Bielenburg, Bourne, Donlan, Faust, Geary, Hill, Jones, Lehman, Martin, McIntyre, Pendergrass, Sullivan of Lewis & Clarke, Thoroughman, and Ward—14.

Moved by Lannin that the House, go into the committee of the whole for consideration of H. B. No 64.

Motion lost by the following vote.

Ayes—Adkins, Axtell, Baggs, Becker, Connor of Cascade, Connor of Ravalli, Cram, Crawford, Dee, Faust, Ferry, Fine, Fitzpatrick, Gregory, Jensen, Jones, Kilgallon, Lannin, Lowney, MacGinnis, Martin, McDonnell (of Jefferson), Metlen, Meunier, Myers, Newberry, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Urquhart, Ward—37.

Noes—Bielenburg, Brein, Brownlee, Dixon, Donlan, Geary, Gilchrist, Gregory, Hartwig, Hedges, Madden, McCone, McDonnell (of Deer Lodge), McTague, Murray, Newton, Patterson, Shanley, Stull, Toole, Ward, Wood, Mr. Speaker—24.

Absent—Baker, Berkin, Bourne, Cannon, Hill, Lehman, McIntyre, Thoroughman, White—9.

Mr. Speaker Your Committee on Enrollment beg to report correctly enrolled H. B. Nos 147, H. B. 190 and H B 156 MacGINNISS Chairman.

Report accepted and placed on file.

Mr. Speaker signs H. B. No. 174, 133 and House Concurrent Resolution No 7, H B's No's 147 190 and 156, in the presence of the chair.

On motion of Toole the House took a recess until 11.15 P. M.

11.15 o'clock P. M.

House Resumes

Mr. Speaker in the chair.

Roll Call

Quorum Present.

Mr. Speaker signs S. B. No 80 in the presence of the House.

Mr. Speaker:—Your Committee on Enrollment report H. B's. No. 27, and 188 and 138 also H. J. M. Nos. 6 and 8 as correctly enrolled.

MacGINNISS, Chairman.

Report accepted and placed on file.

#### MESSAGES FROM THE SENATE RECEIVED AND PLACED ON FILE.

Mr. Speaker: I am directed by the Senate to inform your honorable body, that: H. Bills 74, 150, 58, 78, 177, 191, Have been read third time Concurred in and are herewith transmitted.

Very Respectfully

C. A. WHIPPLE, Sec. Per Whaley.

Mr Speaker signs H. B's No 27, 88 H. Jt. Mem No 8, H. B's No's 175 & 138 House reverts to order of business No 5 and 6.

S. B. No 39 read a third time and concurred in by the following vote.

Adkins, Axtell, Baggs, Baker, Becker, Berkin, Bielenburg, Bourne, Brein, Brownlee, Cannon, Connor of Ravalli, Cram, Crawford, Dee, Dixon, Donaldson, Donlan, Faust, Ferry, Fine, Fitzpatrick, Geary, Gilchrist, Godfrey, Gregory, Hartwig, Hedges, Hill, Jensen, Jones Kilgallon Lannin Lehman, Lowney, MacGinnis, Madden, Martin, McCone, McDonnell (of Deer Lodge), McDonnell (of Jefferson), McIntyre, McTague, Metlen, Meunier, Murray, Newberry, Newton, Pelletier, Pendergrass, Quinn, Richardson, Roland, Rossman, Sanden, Shanley, Stull, Sullivan of Lewis & Clarke, Sullivan of Silver Bow, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—66

Noes—Connor of Cascade, Myers, and Patterson—3.

Absent—Thoroughman—1.



Helena, Montana, March 7, 1901.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of delivered to his Excellency, the Governor, H. B. No. 147 An Act entitled an Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, and 3114, of the Political Code of the State of Montana, and to provide for the appointment of a State Game and Fish Warden, Deputy Game and Fish Wardens, and Special Deputy Game and Fish Wardens, and defining their powers and duties and providing for their compensation. MacGINNISS, Chairman.

Report accepted and placed on file.

Mr Speaker signs S B No 97 in the presence of the House.

Mr. Speaker Your Committee on Enrollment report H B 175 correctly enrolled. MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 delivered to His Excellency, the Governor, H. B. No. 175.

A Bill for an Act entitled an Act making appropriations for the Executive and Judicial Departments of the State Government for the Fiscal years ending November 30th, 1901, and November 30th, 1902.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7th, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, H. J. M. No. 7. Resolution instruction (instructing) the State Board of Education to Investigate the advisability of a consolidation of the Educational Institutions of Montana, and report the result of their Investigation to the Eight Legislative Assembly. MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, House Bill No. 133. A Bill For an Act to amend Sections 4 and 7 relating to Public Improvements in Cities and Towns. Approved March 8th., 1897. MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, H. B. No. 79.

A Bill for an Act to provide for an assistant for the office of the Attorney General, and fix the salaries thereof. MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, H. B. No. 189. An Act entitled "An Act making appropriation for the incidental expenses of the Seventh Legislative Assembly. MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment respectfully report that we have this day March 7 1901, at the hour of 11 P M delivered to His Excellency, the Governor, H. B. No. 13. An Act to amend An Act entitled An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game.

MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, to Governor, H. B. No. 174. An Act entitled An Act making Appropriations for the State Institutions of Montana for the Fiscal Years ending November 30th 1901, and Nov. 30, 1902. MacGINNISS.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, H. B. No. 104. An Act entitled "An Act Creating a State Board of Health, Defining its Powers and Duties and Providing for the Compensation of its Officers, and Providing for the Enforcement of the Rules and Regulations of Said Board." MacGINNISS, Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7, 1901, at the hour of 11 P. M. delivered to His Excellency, the Governor, H. B. No. 146.

An Act entitled "An act authorizing the State Treasurer and the State Auditor each to purchase of the American Arithmometer Company one Burroughs Registering Accountant for use in their respective offices, and appropriating money for that purpose. MacGINNISS, Chairman.

Reports accepted and placed on file.

Mr Speaker signs H B's No's 153 175 and H. Joint Memorial No 7 in the presence of the House.

Mr. Speaker Your Committee on Enrollment report back H B 75, 92 & 31 correctly enrolled. MacGINNISS, Chairman.

Repor accepted and placed on file.

Mr. Speaker signs Sub. for S. B. No 61, S. B. No 101 and S B No 28.

#### JOINT SESSION.

11.15 o'clock P. M.

Joint Session Resumed.

Mr. President in the Chair.

Rolls of the Senate and House showed a quorum of each body present.

The President announced that the Joint Assembly would proceed to Ballot for a United States Senator to fill the vacancy caused by the resignation of the Honorable W. A. Clark in the Congress of the United States.

It was ordered that each member of the Joint Assembly should announce viva voce his choice for Senator and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The roll of the Senate was called with the following results.

For Carter .....	9
For Frank .....	9
For McGinniss .....	2
For Conrad .....	1
For Cooper .....	2
Absent .....	1

Total ..... 24

The roll of the House was called with the following results.

For Carter .....	23
For Frank .....	20
For McGinniss .....	22
For Cooper .....	3
Absent .....	1

Total ..... 70

The president announced the vote of the Joint Assembly as follows.

For Thomas H. Carter .....	32
For H. L. Frank .....	29
For John McGinniss .....	24
For W. G. Conrad .....	1
For Walter Cooper .....	5
For Frank Higgins .....	1

Total ..... 92

No one having received a majority of all the votes cast the president announced no election

On motion of Cullen the Joint assembly proceeded to take another ballot:

The roll of the Senate was called with the following results

For Carter .....	9
For Frank .....	9
For MacGinniss .....	4
For Conrad .....	1
Absent .....	1

Total ..... 24

The roll of the House was called with the following results.

For Carter .....	23
For Frank .....	19
For McGinniss .....	25
For Conrad .....	1
For J. S. M. Neil.....	1
Absent .....	1
<b>Total .....</b>	<b>70</b>

The president announced the vote as follows.

For Thomas H. Carter .....	32
For H. L. Frank .....	28
For John MacGinniss .....	29
For W. G. Conrad .....	2
For J. S. M. Neil .....	1
<b>Total .....</b>	<b>92</b>

The president declared no election.

On motion of Cullen the Joint Assembly proceeded to take another Ballot.

The Roll of the Senate was called with the following results.

For Carter .....	9
For Frank .....	9
For Conrad .....	1
For Cooper .....	4
Absent .....	1
<b>Total .....</b>	<b>24</b>

The roll of the House was called with the following results.

For Carter .....	23
For Frank .....	17
For MacGinniss .....	9
For Cooper .....	12
For Conrad .....	1
For Gibson .....	1
Absent .....	1
<b>Total .....</b>	<b>70</b>

The president announced the vote of the Joint Assembly as follows

For Thomas H. Carter .....	32
For H. F. Frank .....	26
For MacGinniss .....	9
For Walter Cooper .....	16
For W. A. Conrad .....	8
For Paris Gibson.....	1
<b>Total .....</b>	<b>92</b>

The president declares no election

Moved by Cullen that the Joint Assembly do now proceed to take another ballot. Dixon rose to a point of order and moved to Adjourn.

Point of order was not sustained.

Moved by Myers that the Joint Assembly do now dissolve, motion lost.

Cullen motion put and carried and the Joint Assembly proceeded to take another ballot.

The roll of the Senate was called with the following results.

For Carter .....	9
For Frank .....	9
For Conrad .....	2
For Cooper .....	3
Absent .....	1
<b>Total .....</b>	<b>24</b>



The roll of the House was called with the following results.

For Carter .....	23
For Frank .....	17
For MacGinniss .....	6
For Cooper .....	15
For Conrad .....	7
For Gibson .....	1
Absent .....	1
<b>Total .....</b>	<b>70</b>

The president announced the vote of the Joint Assembly as follows.

For Thomas H. Carter .....	32
For H. L. Frank .....	26
For John MacGinnis .....	6
For Walter Cooper .....	18
For W. G. Conrad .....	9
For Paris Gibson .....	1
<b>Total .....</b>	<b>92</b>

The president declares no election.

Moved by Cullen that we proceed to take another ballot.

Dixon rose to a point of order and moved to adjourn point of order not sustained. Motion by Myers of Carbon that the Joint Assembly do now dissolve motion lost. Dixon declined to vote and asked that the record show that he declined to vote on his own allegation of limitation Hedges, Godfrey, and Lehman the same. Cullens motion carried.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	9
For Conrad .....	2
For Cooper .....	3
Absent .....	1
<b>Total .....</b>	<b>24</b>

The roll of the House was called with the following result.

For Carter .....	22
For Frank .....	16
For MacGinniss .....	9
For Cooper .....	9
For Conrad .....	7
For Higgins .....	4
For Gibson .....	1
<b>Total .....</b>	<b>68</b>

The president announced the result of the vote as follows.

For Carter .....	31
For Frank .....	25
For MacGinniss .....	9
For Cooper .....	12
For Conrad .....	9
For Higgins .....	4
For Gibson .....	1
<b>Total .....</b>	<b>91</b>

The president declared no election and ordered another ballot.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	8
For Conrad .....	1
For Cooper .....	2
For Higgins .....	3
Absent .....	1

**Total** ..... 24

The roll of the House was called with the following result.

For Carter .....	22
For Frank .....	19
For MacGinniss .....	8
For Conrad .....	3
For Gibson .....	3
For Cooper .....	4
For Higgins .....	9
Absent .....	2

**Total** ..... 70

The president announced the vote of the Joint Assembly to be as follows.

For Carter .....	31
For Frank .....	27
For MacGinniss .....	8
For Conrad .....	4
For Cooper .....	6
For Higgins .....	12
For Gibson .....	3

**Total** ..... 91

The president declared no election and ordered another vote.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	9
For Cooper .....	2
For Higgins .....	1
For Gibson .....	2
Absent .....	1

**Total** ..... 24

The roll of the House was called with the following results

For Carter .....	2
For Frank .....	20
For MacGinniss .....	11
For Cooper .....	2
For Conrad .....	1
For Higgins .....	8
For Gibson .....	3
Absent .....	3

**Total** ..... 70

The president announced the result of the vote as follows.

For Carter .....	31
For Frank .....	29
For MacGinniss .....	11
For Conrad .....	1
For Cooper .....	4
For Higgins .....	9
For Gibson .....	5

**Total** ..... 90

The president declared no election and ordered another ballot.  
The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	11
For Cooper ....	2
For MacGinniss .....	1
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	22
For Frank .....	18
For MacGinniss .....	20
For Cooper .....	2
For Conrad .....	1
For Higgins .....	2
For Lannin .....	1
Absent .....	4

Total ..... 70

The president announced the vote as follows.

For Carter .....	31
For Frank .....	29
For MacGinniss .....	21
For Cooper .....	4
For Conrad .....	1
For Higgins .....	2
For Lannin .....	1

Total ..... 89

The president declared no election and ordered another vote.  
The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	10
For MacGinniss .....	2
For Cooper ....	2
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	24
For Frank .....	18
For MacGinniss .....	22
For Cooper .....	2
For Higgins .....	1
For Conrad .....	1
Absent .....	2

Total ..... 70

The President announced the votes as follows

For Carter .....	33
For Frank .....	28
For MacGinniss .....	24
For Cooper .....	4
For Higgins .....	1
For Conrad .....	1

Total ..... 91

The president declared no election and ordered another ballot.



The roll of the Senate was called with the following result.

For Carter .....	23
For Frank .....	9
For MacGinniss .....	3
For Cooper .....	2
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	24
For Frank .....	17
For MacGinniss .....	23
For Cooper .....	3
For Higgins .....	1
For Conrad .....	1
Absent .....	1

Total ..... 70

The president announced the vote as follows.

For Carter .....	33
For Frank .....	26
For McGinniss .....	26
For Cooper .....	5
For Higgins .....	1
For Conrad .....	1

Total ..... 92

The president declared no election and ordered another ballot.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	8
For MacGinniss .....	2
For Cooper .....	2
For McTague .....	1
For Conrad .....	1
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	24
For Frank .....	17
For MacGinniss .....	23
For Cooper .....	3
For Higgins .....	1
For Conrad .....	1
Absent .....	1

Total ..... 70

The president announced the vote as follows:

For Carter .....	33
For Frank .....	25
For MacGinniss .....	25
For Cooper .....	5
For McTague .....	1
For Higgins .....	1
For Conrad .....	2

Total ..... 92

The president declared no election and ordered another Ballot.

Moved by Connolly That the Joint Assembly do now dissolve and the Senate retire from the hall of the House. Motion lost.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	9
For MacGinniss .....	1
For Cooper .....	2
For Conrad .....	2
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	24
For Frank .....	17
For MacGinniss .....	21
For Cooper .....	4
For Higgins .....	1
For Gibson .....	1
For Conrad .....	1
Absent .....	1

Total ..... 70

The president declares the vote as follows.

For Carter .....	33
For Frank .....	26
For MacGinniss .....	22
For Cooper .....	6
For Higgins .....	1
For Gibson .....	1
For Conrad .....	3

Total ..... 92

The president declared no election and ordered another ballot.

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	9
For MacGinniss .....	1
For Cooper .....	2
For Conrad .....	2
Absent .....	1

Total ..... 24

The roll of the House was called with the following result:

For Carter .....	23
For Frank .....	16
For MacGinniss .....	22
For Cooper .....	3
For Higgins .....	1
For Conrad .....	2
For Corbett .....	1
Absent .....	2

Total ..... 70

The president declares the vote as follows.

For Carter .....	32
For Frank .....	25
For MacGinniss .....	23
For Cooper .....	5
For Conrad .....	4
For Higgins .....	1
For Corbett .....	1

Total ..... 91

The president declares no election and ordered another ballot.

Moved by Myers that the Joint Assembly do now dissolve, motion lost.  
The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	8
For MacGinniss .....	3
For Cooper .....	1
For Conrad .....	1
For Gibson .....	1
Absent .....	1

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	23
For Frank .....	16
For MacGinniss .....	17
For Cooper .....	2
For Higgins .....	2
For Toole .....	5
For Gibson .....	1
For Conrad .....	1
For Flannigan .....	1
Absent .....	2

Total ..... 70

The president declares the vote as follows.

For Carter .....	32
For Frank .....	24
For MacGinniss .....	20
For Cooper .....	3
For Conrad .....	2
For Gibson .....	2
For Higgins .....	2
For Toole .....	5
For Flannigan .....	1

Total ..... 91

The president declares no election and orders another ballot.

Moved by Cullen that the Joint Assembly do now dissolve motion lost

The roll of the Senate was called with the following result.

For Carter .....	9
For Frank .....	6
For Gibson .....	7
Absent .....	2

Total ..... 24

The roll of the House was called with the following result.

For Carter .....	23
For Frank .....	13
For MacGinniss .....	10
For Gibson .....	21
Absent .....	1

Total ..... 70

The president announced the vote as follows.

For Carter .....	33
For Frank .....	19
For MacGinniss .....	10
For Toole .....	1
For Gibson .....	28

Total ..... 91

The president declares no election and ordered another vote.



The president ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced.

For Thomas H. Carter—Anderson, Geiger, Hobson, Kelley, McLean, W. F. Meyer, Mitchell, Philipps, Worden—9.

For Paris Gibson—Biggs, Clark, Connolly, Conrow, Cullen, Gruwell, Hoffman, Kennedy, Mahon, Murray, H. L. Myers, Stanton, Tierney, Warner—14.

Absent—Courtney—1.

The president ordered the Chief Clerk of the House to call the roll of the House when the following vote was announced.

For Thomas H. Carter—Baggs, Becker, Bielenberg, Bourne, Brownlee, Connor of Ravalli, Dixon, Donlan, Faust, Geary, Godfrey, Gregory, Hedges, Jones, Lehman, McCone, McIntyre, Murray, Newbary, Newton, Patterson, Roland, Shanley, Stull—24.

For H. L. Frank—Madden—1.

For John MacGinniss—Adkins, Dee, Fine, Lannin, Lewney, McDonald, Meunier, Meyers, Pelletier, Pendergrass, Sullivan of Silver Bow—11.

For Paris Gibson—Axtell, Baker, Berkin, Brein, Cannon, Connor of Cascade, Cram, Crawford, Donaldson, Ferry, Fitzpatrick, Gilchrist, Hartwig, Hill, Jensen, Kilgallon, MacGinniss, Martin, McDonnell, McTague, Metlen, Quinn, Richardson, Rosman, Sanden, Sullivan of Lewis and Clarke, Swindlehurst, Toole, Urquhart, Ward, White, Wood, Mr. Speaker—33.

The President announced the vote of the Joint Assembly as follows.

For Thomas H. Carter .....	32
For H. L. Frank .....	1
For John MacGinniss .....	11
For Paris Gibson .....	47
<b>Total .....</b>	<b>92</b>

Mr. President announces that as Paris Gibson has received a majority of all votes cast he hereby declares him elected.

Moved by Worden that the Joint Assembly do now dissolve and the Senate retire from the Hall of the House. Motion Carried.

Mr. Speaker signs H. B.'s No's 173, 92, 75, 31, and 60

Reports of Committee on enrollment were excepted (accepted) as follows.

Helena, Mont. March, 7, 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 191. A Bill for An Act entitled An Act to amend Section 1940 A. and 1940 b. of the Political Code of Montana, through Senate Bill No. 44, approved March 8, 1897, in reference to General and Special Taxes for School Purposes and to repeal Section 1941 of the Political Code of Montana.

MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 150. An Act appropriating money for the payment of claim of C. C. Willis, account Sheep Inspection.

MacGINNISS Chairman.

Helena, Mont. March, 7, 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. N. 177. A Bill for An Act to amend Sections 1737, 1742, and 1910 of the Political Code of the State of Montana, relating to Public Schools also subdivision 15. of Section 1797 and subdivision 3, of Section 1830 relating to Public Schools as said Sections are now in force after amendment by an Act of the Fifth Legislative Assembly approved March, 1897, all of the foregoing Sections being contained in Part 3, Title 3, Chapter 6, of the Political Code.

MacGINNISS Chairman.

Helena, Mont. March, 7, 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency,

the Governor, H. B. No. 77, An Act entitled An Act to authorize and provide for the investment of the permanent School Fund, Permanent University and other Land Grant Funds held by the State Treasurer of the State of Montana, and to authorize the State Treasurer with the advise and consent of the State Board of Land Commissioners to make such investments.

MacGINNISS Chairman.

Helena, Mont. March, 7, 1901

Mr. Speaker:—Your Committee on Enrolment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 58. A Bill for An Act appropriating money for the maintenance extension and improvement of the State Reform School.

MacGINNISS Chairman.

Helena, Mont. March, 7, 1901

Mr. Speaker:—Your Committee on Enrolment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 78. A Bill for An Act entitled An Act providing for Farmers Institutes and making an appropriation therefor.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrolment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 74. A Bill for an Act entitled An Act to amend Section 2941 of the Political Code of Montana, in reference to charging fees for recording Brands.

MacGINNISS Chairman.

Mr. Speaker:—Your Committee on Enrollment report H. B. No. 60, as correctly enrolled.

MacGINNISS Chairman.

Helena, Mont. March 7 1901

Mr. Speaker:—Your Committee on Enrollment report H. B's No. 74, 177, 159, 56 (58), 191, 78, 77, and 173. as correctly enrolled.

JOHN MacGINNISS Chairman. per D.

Helena, Montana, 3-7 1901

Mr. Speaker Your Committee on Enrollment beg to report H. B. 173 correctly enrolled.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11 delivered to His Excellency, the Governor, H. B. No. 27. An Act entitled An Act to amend Section 2570, Article I, Chapter I, Title 3, of the Political Code of the State of Montana, relating to Public Waters and Obstructions therein.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11.55 P. M. delivered to His Excellency, the Governor, H. B. No. 138. An Act to enable the State Auditor to purchase ten thousand State Maps in folding form for free distribution.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11 delivered to His Excellency, the Governor, H. B. No. 188. An Act to provide for the support of the Government of the State of Montana, for the Fiscal Years 1901 and 1902.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11 delivered to His Excellency, the Governor, H. B. (J. M.) No. 8. As to Prohibition and Regulation of Chinese and Japanese Emigration.

MacGINNISS Chairman.

Helena, Mont. March, 7 1901

Mr. Speaker:—Your Committee on Enrollment report that we have this day, March, 7 1901, at the hour of 11 delivered to His Excellency, the Gov-

ernor, H. J. M. No. 6. House Joint Resolution. MacGINNISS Chairman.

Mr Speaker signs H. B's No's 58, 150, 191, 74, 78, 77, and 177, also S. B's No's 37, 83, 45, 92, 39, 100, 52, 82, and Substitute S. B. No. 7.

Committee from the Senate reported that (they) have concluded their business and have adjourned.

Hedges was appointed a committee of one to notify the Senate that the House has adjourned.

On Motion of Dixon the House adjourned Sine Die.

I, John Baker, Speaker Pro Tem, being present on March 7, the sixtieth day of the session, hereby certify the foregoing minutes of the Seventh Legislative Assembly are correct. JOHN BAKER, Speaker Pro Tem.





